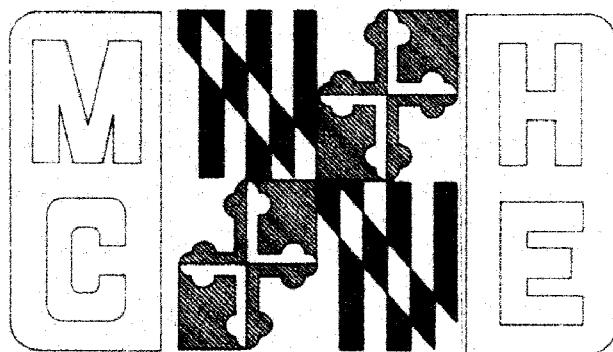


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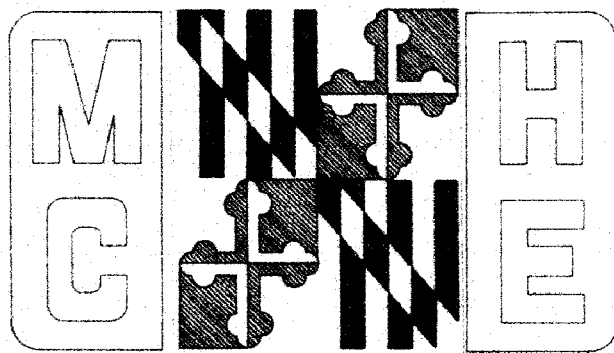
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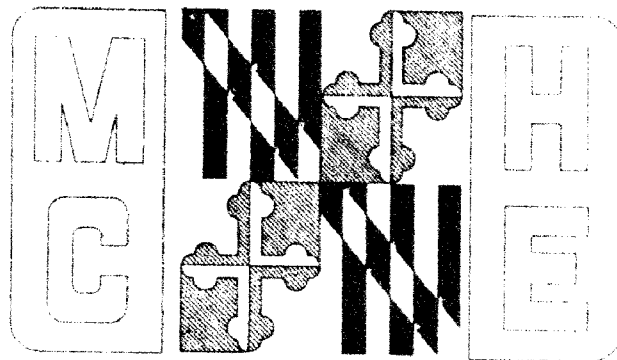
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LEGAL EDUCATION IN MARYLAND

A REPORT

CONCERNING THE REQUIREMENTS
FOR LEGAL EDUCATION IN MARYLAND

To His Excellency, The Governor

and

The General Assembly Of The State Of Maryland

The Ad Hoc Committee On Legal Education
of
The Maryland Council For Higher Education

June 1976

Prepared by K. G. Robinson

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The State Postsecondary Education Commission
Under P.L. 92-318

93 MAIN STREET - ANNAPOLIS 21401

301-267-5951

Dr. Sheldon H. Knorr
Executive Director

June 30, 1976

The Honorable Marvin Mandel
Governor
State of Maryland
Executive Department
Annapolis, Maryland 21401

Dear Governor Mandel:


In accordance with your request to the Council of May 5, 1975 to establish an ad hoc study group to determine the total requirements for legal education in Maryland, including the private sector, and develop realistic enrollment projections for the State law schools, I am presenting to you the report of the Ad Hoc Committee on Legal Education.

The Council presents recommendations in this study which are essential to meet future needs for legal education in the State. These recommendations will also insure accreditation by the American Bar Association and improve the quality of the law school graduates.

The Council wishes to thank the Reverend Joseph A. Sellinger, S. J., Chairman, and the members of his Committee. The Ad Hoc Committee, in the course of its deliberations, noted several problems including the unmet need for legal services of those who cannot afford them, legal education scholarships, and private legal education in the future. The Council will address these problems in future studies or refer them to appropriate agencies.

It is our hope that the recommendations will receive favorable consideration by you and the General Assembly.

Sincerely,


Sheldon H. Knorr
Executive Director

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STATE OF MARYLAND

MARYLAND COUNCIL FOR HIGHER EDUCATION

The State Postsecondary Education Commission
Under P. L. 92-318

Dr. Sheldon H. Knott
Executive Director

93 MAIN STREET - ANNAPOLIS 21401
301-267-5951

June 4, 1976

Mr. Harry K. Wells, Chairman
Maryland Council for Higher Education
93 Main Street
Annapolis, Maryland 21401

Dear Mr. Wells:

The Ad Hoc Committee on Legal Education formed in response to the Governor's request last year, has completed its studies and has transmitted its report to the Council's Data and Research Committee. It is forwarded herewith to the Council for its consideration.

The Ad Hoc Committee firmly believes and the Data and Research Committee concurs that the University of Baltimore and the University of Maryland Law Schools can meet the State's needs for the foreseeable future at their present locations in Baltimore. A third law school, either public or private is not required at this time and the Committee recommends that the State not allocate funds for this purpose.

The current enrollment levels of the two existing law schools 864 FTE students at the University of Baltimore and 725 FTE students at the University of Maryland afford an equitable and acceptable balance between the high demand for legal education in Maryland and the present over-supply of lawyers. Although law school graduates are encountering employment problems here as well as throughout the United States, there seems little reason to believe that in the future, fewer lawyers will be needed than are presently being turned out by the two Maryland Law Schools.

The attached report presents details and other data collected and considered by the Ad Hoc Committee in its studies. The recommendations of the Committee are outlined in Chapter I together with brief supporting narratives. In addition, the Committee in the course of its deliberations noted several other problems which it believed fell outside its specific charge. These problems embrace matters such as unmet needs for legal services for the indigent and some middle class persons who cannot afford them, scholarships for residents in outlying regions of the state who cannot commute to Baltimore, private legal education in the future and para legal education. These are problems which the Committee recommends be referred to appropriate agencies for further study.

FORWARD

The Governor of Maryland, in a letter dated May 5, 1975 requested the Maryland Council for Higher Education to establish and coordinate an Ad Hoc study group to:

- 1) establish the total requirements for legal education in Maryland, to include the private sector, and
- 2) based upon the above, develop realistic enrollment projections for the State institutions which are to provide law schools.

The Ad Hoc Committee for Legal Education was formed by Reverend Joseph A. Sellinger, S.J., a member of the Council, Chairman of the Council's Data and Research Committee, and Chairman of the Ad Hoc Committee. The Committee commenced its studies and research in the summer of 1975 and held its first meeting in early September 1975. Seven subsequent meetings were held.

The Committee members include representatives of the legal education community, the Maryland Bar Association, private institutions, various State legal agencies and of the U. S. District Court. The work of the Committee encompassed not only the deliberations at the several meetings, but also the consideration of presentations, studies and/or data from the Committee members, the American Bar Association, the Association of American Law Schools and the staff of the Maryland Council for Higher Education.

The recommendations of the Committee together with supporting narratives are included in Chapter I. Statistical information and data used by the Committee in its work is presented in Chapter II to afford a factual basis on which any subsequent actions can be taken.

The Committee has two concerns which it remands to the attention of the Council. These problems arise from socio-economic problems of the State and the nation. The first relates to the increasing difficulty which law school graduates are having in finding employment in both legal work and other professions where their education is applicable. This situation is explained in Chapter III.

Another of the socio-economic problems is the unmet need of the middle and lower income groups for legal services beyond their means, particularly, in civil law. This is a matter which the Committee feels deserves continuing study and initiatives by the State and private interests to develop the measures whereby this social injustice can be rectified. The problems of unmet need are outlined in Chapter IV.

The Committee recognizes that future changes in population, the demand for legal education, the systems for delivery of legal services, changes in the profession and other factors may have a decided effect on the total future needs for legal education in Maryland. These are matters which should be addressed by the law schools and their respective governing boards and included in the master plans of those institutions, and updated on an annual basis.

Joseph A. Sellinger, S.J.
Chairman

CHAPTER I
RECOMMENDATIONS

In response to the Governor's letter of May 5, 1975, a copy of which is contained in Appendix A, the Ad Hoc Committee submits the following recommendations:

- I. THE LAW SCHOOLS OF THE UNIVERSITY OF MARYLAND AND THE UNIVERSITY OF BALTIMORE SHOULD REMAIN AT THEIR PRESENT LOCATIONS IN BALTIMORE.
- II. THE EXISTING LAW SCHOOLS SHOULD CONTINUE TO OPERATE AT THEIR CURRENT ENROLLMENT LEVELS.
- III. THE TWO EXISTING LAW SCHOOLS IN MARYLAND SHOULD BE PROVIDED FACILITIES REQUIRED TO MEET ACCREDITATION STANDARDS OF THE AMERICAN BAR ASSOCIATION.
- IV. THE STATE SHOULD NOT ALLOCATE FUNDS FOR THE ESTABLISHMENT OF A THIRD LAW SCHOOL, EITHER PUBLIC OR PRIVATE AT THIS TIME.
- V. THE LEVEL OF SUPPORT FOR MARYLAND LAW SCHOOLS SHOULD BE INCREASED IN AN EFFORT TO IMPROVE THE QUALITY OF LEGAL EDUCATION IN MARYLAND.
- VI. THE UNIVERSITY OF BALTIMORE AND THE UNIVERSITY OF MARYLAND LAW SCHOOLS SHOULD CONTINUE TO EFFECT COORDINATION AND COOPERATION IN THOSE AREAS WHICH WILL STRENGTHEN THEIR PROGRAMS AND ELIMINATE UNNECESSARY DUPLICATION.

The supporting narrative for each Recommendation is presented on pages following and the statistical information on lawyers and legal education in Maryland is contained in Chapter II.

RECOMMENDATION I

I. THE LAW SCHOOLS OF THE UNIVERSITY OF MARYLAND AND THE UNIVERSITY OF BALTIMORE SHOULD REMAIN AT THEIR PRESENT LOCATIONS IN BALTIMORE.

The relocation of one of the existing law schools to another site such as College Park was suggested by Delegates Pesci and Allen in a letter to the Governor in September 1973 in order to better serve the population of the Metropolitan Washington area of the State. This suggestion was pursued by the Committee which held a special meeting at which Delegate Pesci and Secretary of State Planning, Mr. Vladimir Wahbe, discussed this matter. There were two corollary ideas as to the advantages of such a step. The first was the possibility of using the building now occupied by the University of Maryland Law School, if it were the school to be moved, to meet the needs of the University's School of Social Work. The second thought was the concept of having some institution, such as Johns Hopkins University, establish a private law school thus removing a part of the financial burden for legal education from the State's budget.

The Committee in its discussions with Delegate Pesci and Mr. Wahbe pointed out that graduate education and especially professional schools require specialized facilities, libraries and other resources which are expensive to build and operate. Accordingly, these types of schools are intended to serve the State as a whole and not just a particular region. Further, the State of Maryland is not so large geographically, as compared to other states, that distance becomes a major problem. The Committee believes that there may be other more practical and economical ways to serve residents in Western Maryland and Eastern Maryland and has recommended this matter be studied further.

The Committee discussions revealed that although there appeared to be numerous advantages to moving a law school to College Park, there were also several disadvantages which the Committee believes far outweigh the advantages. The two law schools were developed as private institutions in Baltimore, the center of the population, finance, business and industry, and subsequently became public institutions. Neither law school now occupies a ranking position among the nation's law schools; however, they both have made marked progress which, in a few years could result in at least one or both becoming a top law school. Moving either of the two law schools at this time would be a severe blow and no doubt would weaken that one of the schools which is moved in terms of residence and morale of faculty, alumni, and students and in terms of general disruption. In short such a move could set the quality of legal education back many years rather than improve it.

Another disadvantage of moving either school would be the increase in capital costs. Both law schools have developed building programs for their new facilities and have been appropriated funds for planning. If one school were moved, it would be necessary, to reprogram the building for the new location, a process which could delay construction for about two years and increase costs 25-30% or about \$3-4,000,000. Further, the present UMAB Law building would require an addition and some internal changes to meet the needs

of the School of Social Work. The Law School building consists of 71,283 GSF whereas the School of Social Work requires approximately 104,000 GSF. An addition of 30,000 GSF and alterations of the law school to meet the School of Social Work needs would cost about \$4,000,000. A quality law school facility at College Park with a capacity of 550 students would require a building of about 131,000 GSF. Assuming 12% annual inflation this building would cost about \$11,000,000. Accordingly, the total cost of a plan to move UMAB Law School to College Park would be approximately \$25,000,000 as compared to \$21,000,000 for the present plans.

The Committee found that although there appeared, at first glance, to be a decided financial advantage in having a private law school, none of the private colleges or universities, including Johns Hopkins and Loyola, were interested unless the State funded not only the construction of the facilities, but also some scholarship program to provide a means whereby the Maryland students could be subsidized. This matter is discussed more fully in Recommendation IV.

Moving either of the two law schools would adversely effect the two schools academically. Both have academic programs which allow them to take advantage of the resources of the faculty of contiguous schools. The University of Baltimore has programs in business fields and law enforcement which use the faculty of the law school as well as those in undergraduate and graduate programs. Similarly, the UMAB Law School faculty has the advantage of interacting with the faculties in Medical, Pharmacy, Social Work and other professional schools. The Baltimore area also provides clinical resources including the courts, business, industry, government agencies, social and other activities not found elsewhere.

The Committee therefore concludes that to attempt to offer legal education on a regional basis or to move either of the two law schools would be a wanton waste and dissipation of the State's limited resources. Further, this would be a severe setback to the gains being made in the quality and reputations of the two law schools. The interests of both the State and the students will therefore be best served by leaving both existing law schools in Baltimore.

RECOMMENDATION II

THE EXISTING LAW SCHOOLS SHOULD CONTINUE TO OPERATE AT THEIR CURRENT ENROLLMENT LEVELS.

The University of Maryland Law School has an enrollment of approximately 524 day and 271 evening students (795 total). The University of Baltimore has an enrollment of 443 day and 562 evening students (1,005 total). This arrangement provides optimum use of facilities and the flexibility of adjusting enrollment both day and evening.

The number of law school graduates each year are approximately 226 for UMAB; 333 for University of Baltimore. Those graduates taking bar exams plus those taking reexams result in about 320 new admissions to the bar from Maryland law schools each year. In addition, out-of-state law school graduates taking the Maryland bar exam and reexams produce another 300 new admissions to the bar for a grand total of between 600 and 700 new admissions per year.

Four separate projections have been made of the number of lawyers needed in Maryland, given the present system for delivering legal services for private practice, government, business, industry and education, and the lack of resources which would make more legal service available to the middle and lower classes who now cannot afford the fees. These four projections, one by Maryland Council for Higher Education staff, one by a professor at UMAB Law School and two by consultants to the Southern Region Education Board show that Maryland only requires between 350 and 450 new lawyers per year vs the 600-700 now being admitted to the bar.

Although the numbers of lawyers produced exceeds the current demand in Maryland, there is a shortage of seats for qualified applicants who desire a legal education. The University of Maryland in 1975 received 1,750 applicants for 250 places in day and evening divisions. After this list was screened to eliminate those with inadequate qualifications, there were still over 4 applicants for each seat, three of which had to be refused admission. The situation at the University of Baltimore Law School is similar and resulted in refusal of admission to about three out of four qualified applicants. Reduction in the enrollment of either or both law schools would therefore aggravate this situation wherein demand for legal education far exceeds the available spaces in Maryland law schools. The alternative of applying to private D. C. law schools affords little relief since those schools also have many more qualified applicants than they can admit and students must pay high tuition and fees which average about \$2,500 per year as compared to \$700-800 at Maryland schools. Other states have a similar problem and nationwide there are an average of two qualified applicants for every law school seat.

Regardless of the employment and other problems caused by the economic recession, the Committee does not believe that in the future, Maryland will need fewer lawyers than are presently being turned out by the two law schools. Additionally, it appears that society may demand that better legal services be provided in the civil field for the indigent, and in the criminal field for those who fall between the indigent and the wealthy. While part of the problem may be attributed to the maldistribution of lawyers after they graduate from law school, that factor does not seem to have prevented the

RECOMMENDATION II

public defender systems from providing what has become excellent legal services, at least in Maryland, for indigents in criminal cases. If incentives are ever structured to extend legal services (as some would argue, through judicare or group legal services connected with legalized advertising), it is clear that lawyers will be attracted to such practice from existing forms of practice (e.g. small scale negligence work which many predict will be severely curtained by national no-fault automobile plans).

The current lack of jobs for some lawyers has been beneficial in some fields. Public defender, legal assistance and some governmental agencies in the past could in general attract new graduates or lawyers with little experience. At present, these agencies have numerous applications from mature experienced lawyers.

The Committee discussed at length the pros and cons of reducing the enrollment of either or both law schools in the interest of improving quality. Given the limitations of financial resources from both State and non-State sources, quality improvements could be realized through measures such as improved faculty salaries, improved student faculty ratios and similar measures. The University of Baltimore Law School in particular could benefit from such a step. There would be, however, concomitant problems if enrollments are reduced. First there would be the loss of revenue from student tuition and fees. Secondly, the fixed overhead costs for general administration, physical plant, security and other services would remain the same and in effect would increase on a per student unit basis. Reductions of enrollment at UMAB Law School which has a student faculty ratio of about 21:1 could necessitate separation of some faculty. The Committee therefore concluded that unless some assurance could be given that the budgets would not be reduced concurrently with enrollments, there could be an adverse effect in reducing enrollments.

The task of the Committee is not to resolve the overall societal problems of providing proper legal services, but it should be understood that more lawyers are going to be required in the future rather than less lawyers. At this time, however, it is not necessary, in terms of enrollment of the two law schools, to think in primary, immediate terms about graduating more students than the two law schools are currently doing. As was previously demonstrated neither is a reduction of enrollment at this time feasible. The Committee therefore considers that the current enrollment levels of the two law schools, represent an equitable and acceptable balance between the demands for legal education and the supply of lawyers in Maryland.

The Dean of the Maryland Law School has filed a dissenting report contained in Appendix B. This report in essence addresses a decrease in enrollment, financial support of quality legal education, poor job prospects for graduates and other related matters. The Committee considered the report but reaffirmed its recommendation.

RECOMMENDATION III

*THE TWO EXISTING LAW SCHOOLS IN MARYLAND SHOULD BE PROVIDED FACILITIES
REQUIRED TO MEET ACCREDITATION STANDARDS OF THE AMERICAN BAR ASSOCIATION.*

The University of Baltimore at present has no separate facilities for its law school, but allocates portions of its general use academic and supporting spaces for law school use. The University has an overall deficiency in space and cannot attain full ABA accreditation without adequate law school facilities. The law library occupies one floor of the general library and has insufficient stack space and lacks required reading space for students.

The University of Maryland Law School was completed in 1966 scaled to a smaller enrollment and minimal library. The library is too small to house the collection for a quality law school and there are insufficient seats for the students. Some faculty are in temporary buildings or other offices remote from the law school.

Both law schools have been advised by ABA accreditation teams to improve their facilities. The ABA accreditation standards are minimums which must be attained. The two State law schools have a relatively low national ranking in terms of resources and these resources including facilities must be improved if Maryland is to attract and retain faculty of a high degree of competence and afford them that which they require to operate effectively in presenting quality legal education.

Both of the law schools have been allocated planning funds by the State for new facilities. Priority must be given to the funding and construction of these facilities to insure the continued accreditation of UMAB Law School and to enable the University of Baltimore Law School to attain full ABA accreditation. The Committee considers it important that these new facilities not be linked to any other campus developments which could jeopardize or delay their funding and completion. The estimated cost of required facilities are:

University of Baltimore (100,000 GSF)	\$7,700,000
University of Maryland (78,680 GSF)	\$7,374,000

The Committee also suggests that these facilities need not be extravagant, however they should be of a quality which will reflect credit upon the State.

RECOMMENDATION IV

THE STATE SHOULD NOT ALLOCATE FUNDS FOR THE ESTABLISHMENT OF A THIRD LAW SCHOOL, EITHER PUBLIC OR PRIVATE AT THIS TIME.

A third public law school is not considered feasible since projections of the requirements for lawyers in the next ten years have indicated that Maryland is now producing, and admitting to the bar from this and other states, more lawyers than can be effectively employed in private law practice, business, industry, government, education, under the present system for delivery of legal services. Should the future situation change requiring an increase in production of lawyers at state schools, the facilities recommended by the Committee should have the capability of absorbing the additional enrollment by expanding the night enrollment of the University of Maryland and the day enrollment of the University of Baltimore Law Schools.

The establishment of a third law school at this time at a public institution would be an unnecessary and costly project. The capital costs are estimated to be from \$6-10,000,000 and the annual operating cost to the State for a minimum sized school of 400 students would be about \$1,000,000/year.

All of the private institutions in Maryland were queried as to their interest in establishing a private law school. Two institutions, Johns Hopkins University and Loyola College indicated informally that they may be interested in establishing a law school provided that the State defrays the capital costs of the facilities and provides scholarship assistance to enable a number of Maryland students to attend. In the event the State chose to provide about \$6,000,000 to support construction of a private law school in addition to providing additional facilities for the two existing law schools (assuming the scope of these facilities could be reduced somewhat) the total cost would be on the order of \$20,000,000 as compared to the current estimate of about \$15,000,000 for expansion of the two public law schools.

The cost of scholarships suggested above would of course depend upon the number and level. The cost differential between tuition at a high quality private law school (\$3,300) and at a public law school (\$800) would be about \$2,500 per student. It would, however, be difficult to justify scholarship for a private law school in the light of the current reduced demand for lawyers in Maryland.

In summary therefore, a third law school is not required at this time and allocation of State funds for this purpose is not recommended.

RECOMMENDATION V

THE LEVEL OF SUPPORT FOR MARYLAND LAW SCHOOLS SHOULD BE INCREASED IN AN EFFORT TO IMPROVE THE QUALITY OF LEGAL EDUCATION IN MARYLAND.

There are many tests that those familiar with legal education would accept to determine quality in legal education. The more objective tests examine the resources of a law school and compare them with the resources of other schools. In brief these evaluations include annual budget, number and reputation of faculty members, level of faculty salaries, library, and facilities.

Budgets

Analyses of costs at law schools in the District of Columbia and in other states reveal that the average total annual operating costs range from \$2,800-\$3,000 per FTE student, with the exception of the top law schools which average about \$3,300/year. A recent study of Virginia law schools by the State Council of Higher Education for Virginia shows that William and Mary Law School (Marshall-Wythe) has an annual budget of \$2,629 per FTE student, with State support of \$1,873, a level which the Virginia Council considers submarginal. By comparison, the University of Baltimore Law School has an FY 1976 budget of \$1,648,000 (\$1,907 per FTE student; State support \$1,077) and the University of Maryland Law School annual budget is \$1,605,344 (\$2,532 per FTE student; State support \$1,611). The level of State support for the two Maryland law schools is therefore from \$262 to \$796 below that for William and Mary and still farther below that required for quality legal education. An article in the Journal of the ABA Section on Legal Education and Admissions to the Bar lists the resources index of approved law schools throughout the country. This list places UMAB Law School behind 35 other states including West Virginia, North Carolina, South Dakota and Kentucky, to mention a few.

Faculty and Salaries

University of Baltimore Law School has a student faculty ratio of 33:1 which is unsatisfactory and should be reduced considerably to improve the quality of instruction and meet ABA standards. The school estimates a need for 10 additional faculty. Faculty salaries are far below the medians at all ranks of the twelve schools survey, with a range of \$3,200 below the median for faculty with 0-5 years experience to \$4,900 below the median for faculty with over 15 years experience.

The University of Maryland Law School has a student faculty ratio of 21:1. This is a slightly better ratio than the national median which is 25:1. The salaries for faculty at UMAB Law School are generally in line with those of a survey of twelve comparable law schools for faculty with 0-5 and 6-15 years experience. The UMAB salaries for senior faculty with more than 15 years experience are about \$2,038 below the median.

RECOMMENDATION V

Libraries

The University of Baltimore has a law library which is only part of the main library and can barely house the minimum required collection of 60,000 volumes, and can provide only a fraction of the required seating for students. Staffing is inadequate and these deficiencies preclude full ABA accreditation.

The UMAB Law School has been advised by the recent ABA re-accreditation team that it must initiate steps to improve its library which is too small to house the collection and does not provide sufficient seating and services for the student body. The UMAB has proposed an addition to house the library and conversion of the present library to office and other support spaces. The collection is now about 115,000 volumes.

The better quality law schools in the United States have collections ranging from 150,000 to over 300,000 volumes. In view of the proximity of the two schools, two large libraries are not required. It therefore appears desirable to provide a library of 300,000 volumes at UMAB Law School which does not have a contiguous general library and 150,000 volume library for the University of Baltimore which has a general library.

Facilities

As outlined in Recommendation III both law schools require new facilities to meet ABA accreditation and to improve the quality of their libraries and instruction. The scope of the facilities should be resolved by the Department of State Planning in consultation with the Maryland Council for Higher Education and the respective governing boards.

Priorities

Under the present State budgeting procedures, the Board of Regents of the University of Maryland, and the Board of Trustees of State Colleges are given a maximum agency request ceiling on which to base the respective budgets for the institutions under their governance. The economic situation in the State as well as the nation as a whole has created a decline in revenue while at the same time inflation has caused expenditures to rise rapidly. The governing boards are therefore confronted with difficult decisions in determining the relative priorities of not only the several institutions, but of the schools and programs within each of these institutions.

The relative demands and growth rates of graduate and professional education are often used as one of the measures for determinations in budget allocations. On the other hand, there is also the constant demand to improve the quality of programs through measures such as improving faculty salaries, libraries, facilities and other resources. In the future the governing boards will have to make the trade-off between growth and quality in allocating funds.

The Committee therefore believes that primary emphasis must be placed on continuing to improve the quality of legal education at the two existing law schools with the resources from both public and private sources.

CHAPTER II

STATISTICAL INFORMATION

The Ad Hoc Committee on Legal Education in the course of its deliberations considered an extensive array of data and information assembled by the Maryland Council for Higher Education staff as well as that provided by the Deans of the two law schools, the Association of American Law Schools, the American Bar Association and other sources. These data and information are summarized in this chapter to provide a factual base and some reference material for those concerned with the review and disposition of this report.

A. Lawyers In Maryland

1. Existing Situation

a. To insure a common understanding of the numbers and distribution of lawyers in Maryland, it is essential that persons using this information be aware of certain facts. Contrary to common belief, neither the membership list of the Maryland Bar Association nor directories of lawyers such as that published by Martindale-Hubbell provide a complete listing. Only the records of the Clients' Security Trust Fund (CSTF) of the Bar of Maryland provides a comprehensive list of lawyers in Maryland. This list includes all lawyers and judges who desire to maintain their qualification to practice whether it be as a judge, an attorney or in business, industry, government or education. The CSTF records also include some of those lawyers who have not maintained their membership and have retired, moved away or otherwise ceased to practice.

b. All lawyers, both in-state and out-of-state must register with the Clients' Security Trust Fund and pay the annual membership fee before they can practice in the State of Maryland. This provision is enforced by the Court of Appeals.

c. The 1974 and 1975 records of the Client Security Trust Fund were examined to distinguish members of the Maryland Bar actually practicing from those not practicing in Maryland. The following are the listings in the "Fund's" records:

d. Maryland Practicing Lawyers

(This list includes lawyers who are authorized to practice in the State under the rules of the Court of Appeals of Maryland by reason of their having paid their Security Fund assessment for the fiscal year commencing July 1)

	<u>1974</u>	<u>1975</u>
Maryland Resident Lawyers	7,264	7,474
Out-of-State Lawyers	<u>537</u>	<u>602</u>
	7,801	8,076*

* Includes June 1975 law school graduates; the 1974 list did not.

TABLE II

LAWYER/POPULATION RATIO IN MARYLAND BY COUNTY 1975

	Population 1975	Lawyers 1975	Ratio Population Per Lawyer
Allegany	82,790	54	1,533
Arundel	343,670	336	1,023
Baltimore County	660,990	1,002	660
Baltimore City	848,750	2,596	327
Calvert	25,400	21	1,210
Caroline	20,620	16	1,289
Carroll	80,380	53	1,516
Cecil	56,700	35	1,620
Charles	59,820	35	1,709
Dorchester	29,640	20	1,482
Frederick	95,350	68	1,402
Garrett	22,090	13	1,699
Harford	132,970	104	1,278
Howard	98,850	172	575
Kent	16,780	21	799
Montgomery	591,490	1,376	430
Prince George's	711,010	641	1,109
Queen Anne	19,650	18	1,092
St. Mary's	52,840	27	1,957
Somerset	19,090	10	1,909
Talbot	25,860	46	562
Washington	108,210	72	1,503
Wicomico	57,850	64	904
Worcester	27,830	34	818
TOTAL	4,188,630 <u>1/</u>	6,824 <u>2/</u>	614

SOURCES: 1/ Population - Department of State Planning - Division of Research.

2/ Lawyers - Clients' Security Trust Fund List 1975.

Note: The above list includes only practicing lawyers who had paid their membership dues as of the fall of 1974. Often many lawyers pay late after the cut-off date for printing. Accordingly, the distribution and ratios should be used only for order of magnitude comparisons.

TABLE III

DISTRIBUTION OF LAWYERS IN STATES OF SOUTHERN REGION BY NATURE OF PRACTICE

Area	Year	Directory Listings	Private Practice	Government	Business & Education	Retired
U. S.	1950	204,111	176,995 (86.8%)	7,471 (3.6)	12,997 (6.3)	6,974 (3.4)
	1970	324,818	236,085 (72.7%)	46,152 (14.3)	40,486 (12.4)	16,812 (5.2)
Alabama	1950	2,098	1,785 (85.1)	449 (21.4)	206 (9.7)	93 (4.4)
	1970	3,291	2,334 (70.9)	602 (18.3)	356 (10.8)	174 (5.3)
Arkansas	1950	1,628	1,426 (87.5)	334 (20.5)	104 (6.4)	77 (4.7)
	1970	1,969	1,437 (73.0)	343 (17.4)	178 (9.1)	160 (8.1)
Florida	1950	4,165	3,846 (92.3)	603 (14.5)	222 (5.4)	156 (3.7)
	1970	10,917	8,171 (74.8)	1,174 (10.8)	798 (7.4)	1,078 (9.9)
Georgia	1950	3,636	3,112 (85.6)	636 (17.5)	426 (11.8)	127 (3.5)
	1970	5,517	4,023 (72.9)	833 (15.1)	635 (11.5)	294 (5.3)
Kentucky	1950	3,009	2,592 (86.1)	567 (18.8)	332 (11.0)	131 (4.4)
	1970	3,625	2,730 (75.3)	654 (18.0)	360 (9.9)	221 (6.1)
Louisiana	1950	2,730	2,315 (84.8)	346 (12.7)	428 (15.6)	85 (3.1)
	1970	5,089	3,962 (77.8)	568 (11.2)	491 (9.6)	223 (4.4)
Maryland	1950	3,320	2,802 (84.4)	296 (8.9)	568 (17.2)	142 (4.3)
	1970	6,619	4,624 (69.8)	713 (10.8)	676 (10.2)	848 (12.8)
Mississippi	1950	1,606	1,419 (88.4)	322 (20.0)	90 (5.6)	73 (4.5)
	1970	2,517	1,854 (73.6)	386 (15.3)	231 (9.2)	204 (8.1)
N. Carolina	1950	2,714	2,332 (86.0)	533 (19.6)	282 (10.4)	143 (5.3)
	1970	4,367	3,229 (73.9)	648 (14.8)	448 (10.3)	251 (5.7)
S. Carolina	1950	1,399	1,239 (88.5)	263 (18.8)	98 (8.0)	72 (5.1)
	1970	2,236	1,686 (75.4)	362 (16.9)	209 (9.3)	126 (5.6)
Tennessee	1950	3,284	2,855 (86.9)	529 (16.1)	306 (7.4)	110 (3.3)
	1970	4,770	3,353 (70.3)	778 (16.3)	555 (11.6)	274 (3.7)
Texas	1950	9,997	8,202 (82.0)	1,511 (15.1)	1,714 (17.2)	576 (5.8)
	1970	17,217	12,392 (72.0)	2,303 (13.4)	2,479 (14.4)	1,065 (6.2)
Virginia	1950	3,515	3,039 (86.5)	746 (21.2)	428 (12.2)	118 (3.4)
	1970	6,401	4,354 (68.0)	1,091 (17.0)	582 (9.0)	748 (11.7)
West Virginia	1950	1,622	1,454 (89.7)	261 (16.1)	80 (5.0)	62 (3.8)
	1970	1,719	1,253 (72.9)	335 (19.5)	150 (8.7)	111 (6.5)

NOTE: Many lawyers were added twice because they practiced in more than one of the above situations. Thus the total percentages exceed 100.0% of the directory listings. The distortion does not appear to be serious.

SOURCE: American Bar Foundation: The 1971 Lawyer Statistical Report (edited by B. H. Sikes, C. N. Carson P. Gorai) (1972). The Bureau of Labor Statistics estimates that 291,000 persons were practicing law or serving as judges in 1970. In 1972 the estimate was 320,000.

2. Demand for Legally Trained Personnel and Legal Education

a. In the ABA Task Force Study of Professional Utilization - December 1972, Professor Ruud of the University of Texas Law School suggested to the Task Force that the annual need for new lawyers was about 14,500 annually as compared to 22,342 law school graduates in 1971-72. Accordingly, the ABA Task Force Report stated that it is "Clearly important to determine whether the demand for legal education will increase, continue at present levels or decrease in the near future." 6/

b. The distribution of lawyers by nature of practice in Maryland over the period 1950-1970 is shown in the table opposite in comparison with other states in the Southern Region. The table indicates that the following changes are occurring:

- 1) The percentages of lawyers in private practice in Maryland is decreasing - (14% drop) (This is typical in all southern states).
- 2) The percentage of lawyers in government in Maryland is increasing (2% rise) (In other states there are increases or decreases).
- 3) The percentage of lawyers in business and education in Maryland is decreasing (7% drop) (In most other states, this percentage is increasing)

The most significant observation to be drawn from this table is that although the numbers of lawyers in Maryland are increasing, the percentage engaged in direct law service to the people appears to be decreasing. Whether this decrease is the result of socio-economic factors, changes in the nature of legal practice or because of an over supply of lawyers is not now known.

3. Projected Need for Maryland Lawyers

The ABA Task Force on Professional Utilization relied to a great extent on data from the Law Directory published annually by Martindale-Hubbell of Summit, New Jersey as to the number of lawyers in the United States and the individual states. The ABA Task Force Report contains a comment by the authors to the effect that because of the way the data is collected by Martindale-Hubbell, the statistical data may represent an overstatement of the number of individual lawyers who are, in fact, admitted to practice. The Martindale-Hubbell report lists persons who have been admitted to practice in at least one state or the District of Columbia, even though he or she may not be in actual practice. 7/

6/ ABA Task Force - Report of the Task Force on Professional Utilization - Chicago - December 1972 - Page 20

7/ ABA Task Force - Page 29

Notwithstanding these statistical problems, the data from Martindale-Hubbell, the American Bar Foundation Lawyer Statistical Reports and the records of the Clients' Security Trust Fund in Maryland indicate a marked growth in the number of lawyers in Maryland. From 1950 to 1970, the Pye Study for SREB shows the number of lawyers increased from 3,971 (one for every 670 persons) to 6,619 (one for every 592 persons). In 1974 the number of practicing lawyers in Maryland was 7,801 (excluding judges), a ratio of one lawyer for every 524 persons. In 1975, the number was 8,076 a ratio of 1:518.

Projections of the future need for lawyers in Maryland based solely upon changes in the profession, as previously discussed, could only be considered conjectural since there is no hard data in Maryland to support any conclusions as to the future influence of the various economic, legislative and social factors and of changes in nature of legal practice on the numbers of lawyers. It is, however, considered feasible to estimate the future numbers of lawyers based on various assumptions, namely, a stable ratio of lawyers to population, or an increase in the ratio (i.e. each lawyer serving a few number of persons). The table following shows the projected demand for lawyers based on ratio to population.

In the period 1970-1974 (inclusive), a total of 2,858 new lawyers were admitted to the bar in Maryland. However, the number eligible to practice, excluding judges changed from 5,976 to 8,076, an increase of 2,100. The average attrition because of retirements, transfers, etc. was therefore about 152 lawyers/year, (i.e. about 2% of the practicing lawyers per year). Hence the annual total need for new lawyers would be a combination of the net annual increase shown in Table VII-a and the number required to compensate for annual attrition. If one assumes that the attrition rate of 2% will continue, then the total number of lawyers needed annually would vary from 288 to 364 or an average of about 320 per year depending upon the assumed ratio to population. The current annual new admissions to the bar are now about 700; i.e. double the total annual need.

Several other projections of the annual need for new lawyers have been made on other bases. One by Professor Hal Smith of the UMAB Law School is based upon the relationship of the growth in number of lawyers to growth of the State's total production of goods and services (i.e. Gross National Product). Professor Smith's projection shows a need for about 385 new lawyers per year by 1978 including replacements vs an estimate that new admissions to the bar by that time will be approximately double the number needed.

In a study for Southern Region Education Board, Dean A. Kenneth Pye of Duke University School of Law made a projection of lawyers needed in Maryland and other Southern States on the basis of the relationship of number of lawyers to projected employment in the fields of finance, insurance and real estate for which a research group found a high correlation. His projection shows that between 1974 and 1980 Maryland will need an average of about 404 new lawyers per year.

TABLE IV
PROJECTED DEMAND FOR LAWYERS IN MARYLAND ¹
1974-1990

Year	Estimated Maryland Population	Number of Lawyers Needed		
		1974 Ratio 1:524	Assumed Ratio 1:510	Assumed Ratio 1:500
1974	4,094,000	(Actual) 7,801		
1975	4,188,630	(Actual) 8,076	8,213	8,377
1980	4,507,560	8,602	8,838	9,015
1985	4,879,790	9,312	9,568	9,759
1990	5,302,300	10,118	10,396	10,604

TABLE IVa
PROJECTED AVERAGE ANNUAL DEMAND FOR LAWYERS IN MARYLAND ²
1974-1990

Period	Ratio 1:524	Ratio 1:510	Ratio 1:500
1975-80	288	295	301
1980-85	321	330	337
1985-90	336	366	372

The foregoing tables provide a projection of the demand for lawyers based upon the actual and assumed ratios of lawyers to population.

¹

The number of lawyers shown in Table IV are those eligible to practice by registering with the Client Security Trust Fund. It includes lawyers in practice, business, education, government and other activities but excludes judges and those not registered. For detailed explanation see pages II-1 and II-3.

²

The projected demand for lawyers is the number required to sustain the actual or assumed ratio to population and includes an estimated allowance of 2% of the number of lawyers for annual attrition due to retirements, deaths, transfers and other causes. This attrition ranges from 167 to 204 lawyers per year.

CHAPTER 11

Another projection of new lawyers made by the Department of Employment and Social Services shows an annual need averaging about 273 new lawyers per year from 1970-1980. For 1976 that department estimates 282 openings due to growth plus 295 openings due to separations for a total of 567 new lawyers. For comparison purposes, new admissions to the Maryland Bar averaged 664 per year over the past three years. That Department does not distinguish between lawyers living in Maryland and those eligible to practice in Maryland. Accordingly, their data for number of lawyers and hence their projections are somewhat inflated. For example for 1970, their data shows 9,134 lawyers in Maryland whereas the Clients' Security Trust Fund lists only 5,976 lawyers eligible to practice in Maryland.

In summary therefore, each of the foregoing projections reveals that the combination of law school graduates from Maryland plus those from other states being admitted to the bar and lawyers admitted by motion are about twice the projected number of lawyers needed annually in Maryland, given the present system for delivery of legal services. Changes in this system as discussed later in Chapter IV could increase the demand for lawyers, but at present there is an overproduction of lawyers and new law school graduates are encountering problems in finding employment.

B. Law Students

1. Admissions

a. One of the pressing problems in Maryland as well as in other states is that of the demand for legal education and the lack of spaces in law schools to meet this demand. On the other hand there is the question of "public policy", i.e. should the public be called upon to subsidize the education of more attorneys than can now be absorbed, given the limitations of the present system for delivery of legal services.

b. The University of Maryland Law School reports that it now receives over 1,300 applicants for its day division which can admit only 175 each year. After the applicants are screened to eliminate those with inadequate qualifications, there are still about 3 applicants for every seat. The situation at the University of Baltimore Law School is similar and results in refusal of admission to about three out of four applicants. Together, the two law schools turn away about 900 qualified applicants per year. The foregoing would indicate that perhaps some consideration should be given to expanding the existing schools to relieve some of this "pressure" from applicants.

c. Although annual state support of the two law schools now varies between \$1,077 per FTE student per year for University of Baltimore to \$1,611 for University of Maryland, future costs may be as high as \$2,300 per FTE student. Providing additional spaces for even a fraction of the 900 students who are now refused admission would therefore impose a substantial additional burden on the taxpayers; this would be difficult to justify in the light of the current oversupply of lawyers.

d. The same problem of "too few seats" in law schools is a nationwide condition. Studies by ABA, AALS and by Peter Winograd of the Educational Testing Service in Princeton, New Jersey, which handles law school admissions tests and data, all indicate that there are about two qualified applicants for every available seat in law schools. These estimates recognize that students make multiple applications, and some students accept only one of their choices or in a few instances none.

e. Admissions to Maryland Law schools include consideration of not only the student's LSAT score and grade point average in undergraduate education, but also other factors such as undergraduate major, employment, extra curricula activities and other relevant information. On pages following, the admission charts of Maryland law schools and those of some of the law schools in D. C. and other states have been reproduced from the "Pre Law Handbook" published by the Association of American Law Schools for 1975-76 academic law. These charts show applicants vs acceptances for various levels of grade point averages and LSAT's (except for University of Baltimore which shows only acceptances). These charts afford a means of comparing the relative scores at which there is a virtual "Cut off" in acceptance. For convenience, a dotted line has been drawn to show these cut off levels. A comparison of these charts will illustrate that Maryland law school acceptances - score wise - are somewhat lower than some of the more prestigious law schools such as Yale University, Stanford and the University of Minnesota. It has been observed that law schools with higher admission standards generally attract better students and hence afford a higher quality legal education, assuming of course that they also have the other required resources.

CHAPTER II

UNIVERSITY OF BALTIMORE

Applicants Accepted for Fall 1975

In each box the figure to the left of the slash represents accepted day division students, while the figure to the right of the slash represents accepted evening division students

OVERALL UNDERGRADUATE GRADE-POINT AVERAGE	LAW SCHOOL ADMISSION TEST SCORE										
	Below 300	300 349	350 399	400 449	450 499	500 549	550 599	600 649	650 699	700 749	750 and over
	4.00 3.75			0/1		2/0	1/1				
	3.74 3.50					8/2	7/1	1/1	0/1		
	3.49 3.25				2/4	9/3	13/10	5/1	0/1		
	3.24 3.00				5/2	6/12	21/13	8/6	3/0		0/1
	2.99 2.75					6/8	6/21	8/8	3/2	1/1	1/0
	2.74 2.50					1/3	0/7	4/15	3/6		
	2.49 2.25					0/1	2/3	3/4	0/2	1/0	
	2.24 2.00							0/2	0/3	1/0	
	Below 2.00										

University of Baltimore

UNIVERSITY OF MARYLAND AT BALTIMORE

Applicant Group Applying for the 1975-76 Academic Year

In each box the figure to the left of the slash represents applicants, while the figure to the right of the slash represents acceptees (e.g. 10/2 in a box means 2 of 10 applicants with that combination of LSAT and GPA were accepted)

with that combination of LSAT and GPA were accepted)

LAW SCHOOL ADMISSION TEST SCORE												
	Below 300	300 349	350 399	400 449	450 499	500 549	550 599	600 649	650 699	700 749	750 and over	Totals
4.00 3.75				1/0	7/3	13/3	22/16	16/16	12/12	2/2		73/52
3.74 3.50		1/0	5/1	4/0	11/1	31/4	70/27	41/33	23/22	12/11		198/99
3.49 3.25			5/0	9/0	10/0	52/2	83/9	65/33	29/26	5/4	2/2	260/76
3.24 3.00	1/0		5/0	14/0	31/0	43/0	78/4	62/13	30/21	6/5	1/0	271/43
2.99 2.75		1/0	2/0	12/0	23/0	37/0	34/0	34/1	37/14	5/3		185/18
2.74 2.50	2/0	3/0	5/0	12/0	25/0	24/0	20/0	18/1	18/1	3/1		130/3
2.49 2.25		4/0	2/0	16/0	10/0	13/0	12/0	15/1	5/0	2/0	1/1	80/2
2.24 2.00		1/0	3/0	2/0	5/0	9/0	6/0	3/0	4/0	2/0		35/0
Below 2.00			2/0		2/0	1/0	1/0	1/0	2/0			9/0
Totals	3/0	10/0	29/1	70/0	124/4	223/9	326/56	255/98	160/96	37/26	4/3	1241/293

OVERALL UNDERGRADUATE GRADE-POINT AVERAGE

University of Maryland

SOURCE: Pre-Law Handbook - Association of American Law Schools and the Law School Admission Council, 1975-76.

CHAPTER II

GEORGE WASHINGTON UNIVERSITY Applicant Group Applying for the 1975-76 Academic Year

In each box the figure to the left of the slash represents applicants, while the figure to the right of the slash represents acceptees (e.g. 10/2 in a box means 2 of 10 applicants with that combination of LSAT and GPA were accepted).

OVERALL UNDERGRADUATE GRADE POINT AVERAGE	LAW SCHOOL ADMISSION TEST SCORE											
	Below 300	300-349	350-399	400-449	450-499	500-549	550-599	600-649	650-699	700-749	750 and over	Totals
	4.00 3.75			4/0	9/0	25/0	68/24	159/149	89/81	31/31	3/3	388/288
	3.74 3.50		1/0	3/0	15/0	24/0	74/0	165/29	333/259	210/199	70/65	902/559
	3.49 3.25	3/0	2/0	8/0	24/0	49/0	113/0	185/12	410/181	282/208	81/72	1163/479
	3.24 3.00	5/0	8/0	10/0	26/0	37/0	83/0	165/0	302/38	249/68	69/34	972/153
	2.99 2.75	4/0	9/0	17/0	31/0	38/0	79/0	114/0	143/5	127/4	41/5	610/15
	2.74 2.50	3/0	9/0	16/0	25/0	34/0	41/0	74/0	90/1	50/1	22/1	368/2
	2.49 2.25	4/0	5/0	10/0	14/0	25/0	16/0	23/0	44/0	26/0	12/0	182/0
	2.24 2.00	2/0	7/0	8/0	3/0	11/0	8/0	11/0	11/0	10/0	3/0	75/0
	Below 2.00	1/0	1/0		3/0	4/0	6/0	5/0	3/0	3/0		26/0
	Totals	22/0	42/0	72/0	145/0	231/0	445/0	810/65	1495/832	1046/581	329/208	4686/1496

George Washington University

UNIVERSITY OF MINNESOTA Applicant Group Applying for the 1975-76 Academic Year

In each box the figure to the left of the slash represents applicants, while the figure to the right of the slash represents acceptees (e.g. 10/2 in a box means 2 of 10 applicants with that combination of LSAT and GPA were accepted).

OVERALL UNDERGRADUATE GRADE POINT AVERAGE	LAW SCHOOL ADMISSION TEST SCORE											
	Below 300	300-349	350-399	400-449	450-499	500-549	550-599	600-649	650-699	700-749	750 and over	Totals
	4.00 3.75			1/0	6/0	17/2	37/12	70/49	45/41	16/16		192/120
	3.74 3.50			6/0	6/6	24/1	53/2	84/24	71/55	20/20	3/2	267/110
	3.49 3.25	1/0		3/0	5/0	23/0	31/0	70/6	66/24	13/13	4/4	216/47
	3.24 3.00		1/0	3/0	6/0	9/0	16/0	26/0	40/1	56/12	14/6	175/22
	2.99 2.75			1/0	6/0	9/0	9/0	15/0	26/2	19/0	6/1	93/5
	2.74 2.50	1/0	2/0	5/0	5/0	7/0	9/0	14/1	10/1	5/1	1/0	64/3
	2.49 2.25		1/0		1/0	1/0	5/0	5/0	7/0	5/0		25/0
	2.24 2.00			1/0	5/0		2/0	3/0	1/0	1/0	2/0	15/0
	Below 2.00						3/0	1/0				4/0
	Totals	2/0	4/0	10/0	33/0	41/6	103/3	182/14	313/83	273/133	70/57	1051/307

University of Minnesota

CHAPTER II

UNIVERSITY OF NORTH CAROLINA

Applicant Group Applying for the 1975-76 Academic Year

In each box, the figure to the left of the slash represents applicants, while the figure to the right of the slash represents acceptances (e.g. 10/2 in a box means 2 of 10 applicants with that combination of LSAT and GPA were accepted).

with that combination of LSAT and GPA were accepted).

LAW SCHOOL ADMISSION TEST SCORE												
	Below 300	300 349	350 399	400 449	450 499	500 549	550 599	600 649	650 699	700 749	750 and over	Totals
4 00 3 75		1/0	1/0	2/0	3/0	16/3	18/7	42/42	37/35	11/10	2/2	133/99
3 74 3 50		2/0	3/0	7/0	16/0	21/1	52/18	67/58	69/66	20/20	5/5	282/168
3 49 3 25	1/0	1/0	8/0	9/0	18/0	48/0	72/3	91/29	64/55	32/32	10/10	354/129
3 24 3 00	4/0	4/0	6/0	12/0	20/0	48/0	50/0	80/6	56/23	19/15	2/2	301/46
2 99 2 75	4/0	2/0	7/0	16/0	33/0	35/0	44/0	52/0	34/2	15/6	2/2	244/10
2 74 2 50	5/0	4/0	14/0	13/0	13/0	36/0	31/0	27/0	20/0	3/0	2/1	168/1
2 49 2 25	3/0	5/0	8/0	10/0	9/0	10/0	21/0	15/0	10/0	6/0		97/0
2 24 2 00		2/0	1/0	4/0	6/0	5/0	5/0	8/0	5/0	1/0	1/1	38/1
Below 2 00		1/0	4/0	3/0	4/0	3/0	2/0					17/0
Totals	17/0	22/0	52/0	76/0	122/0	222/4	295/28	402/135	295/181	107/83	24/23	1634/454

OVERALL UNDERGRADUATE GRADE-POINT AVERAGE

University of North Carolina

Figures reflect decisions up to June 15, 1975, and do not include assured admissions from prior years (e.g. military and illness deferrals) or a limited number (approximately 5 percent of the total) admitted under a special experimental program.

YALE UNIVERSITY

Applicants Accepted for the 1975-76 Academic Year

The figure in each box represents the number of applicants accepted with the indicated combination of LSAT score and GPA.

OVERALL UNDERGRADUATE GRADE-POINT AVERAGE	LAW SCHOOL ADMISSION TEST SCORE						
		550 599	600 649	650 699	700 749	750 and over	Totals
	4 00 3 75	6	5	55	118	49	233
	3 74 3 50	1	3	10	19	18	51
	3 49 3 25	2	1	2	10	4	19
	3 24 3 00		3	2	2	2	9
	2 99 2 75		1			1	2
	Totals	9	13	69	149	74	314

Yale University

CHAPTER II

2. Geographic Origin of Students

a. Generally speaking, professional schools are intended to serve the state as a whole rather than any specific region. The large concentration of the population of Maryland in the Greater Baltimore Metropolitan area as well as the availability of other resources in that area led to the development of both schools in that area. A question has been raised, however, as to the availability of legal education from students in other areas of the state. The tables following show the geographic origin of students at the two law schools.

b. The two tables indicate that the two law schools do serve the state as a whole, but derive most of their students from the Greater Baltimore area and the Maryland area of Metropolitan Washington. The numbers of students from outlying counties particularly Western Maryland and the Eastern Shore are few in number, particularly evening students. No doubt the residents of those areas have problems of working to support themselves and/or their families and making the long commute to evening law school classes in Baltimore. The Committee addressed this this matter in general terms and believes that a further study should be made to determine how some accommodation can be made to provide for the needs of these residents. This problem is discussed more fully in Chapter V.

TABLE V
UNIVERSITY OF MARYLAND LAW SCHOOL
GEOGRAPHIC ORIGIN OF STUDENTS
FALL 1975

	Day		Evening		Total	
	#	%	#	%	#	%
Allegany	8	1.5	0	0.0	8	1.0
Anne Arundel	20	3.7	24	8.5	44	5.4
Baltimore City	215	40.5	99	35.1	314	38.7
Baltimore County	63	11.9	42	14.9	105	12.1
Calvert	0	0.0	0	0.0	0	0.0
Caroline	1	0.2	1	0.4	2	0.2
Carroll	7	1.3	3	1.1	10	1.2
Cecil	3	0.6	0	0.0	3	0.4
Charles	1	0.2	0	0.0	1	0.1
Dorchester	0	0.0	0	0.0	0	0.0
Frederick	7	1.3	4	1.4	11	1.4
Garrett	0	0.0	0	0.0	0	0.0
Harford	16	3.0	10	3.5	26	3.2
Howard	16	3.0	26	9.2	42	5.2
Kent	1	0.2	1	0.4	2	0.2
Montgomery	105	19.8	30	10.6	135	16.6
Prince George's	52	9.8	39	13.8	91	11.2
Queen Anne's	0	0.0	0	0.0	0	0.0
St. Mary's	0	0.0	0	0.0	0	0.0
Somerset	1	0.2	1	0.4	2	0.2
Talbot	3	0.6	0	0.0	3	0.4
Washington	4	0.8	0	0.0	4	0.5
Wicomico	4	0.8	2	0.7	6	0.7
Worcester	3	0.6	0	0.0	3	0.4
TOTAL	530	100.0	282	100.0	812	100.0

NOTE: The distinction between Baltimore City and Baltimore County is not too clear since it is based on Zip Codes which overlap in some instances. Addresses are current residence of applicants and not necessarily that of parent or home addresses

UNIVERSITY OF BALTIMORE LAW SCHOOL
GEOGRAPHIC ORIGIN OF FIRST YEAR STUDENTS
FALL 1975

MARYLAND

COUNTY	NUMBER
Allegany	1
Anne Arundel	25
Baltimore City	56
Baltimore County	76
Calvert	1
Caroline	1
Carroll	1
Cecil	1
Charles	2
Dorchester	1
Frederick	4
Garrett	1
Harford	6
Howard	13
Montgomery	29
Prince George's	29
Queen Anne's	1
Somerset	2
St. Mary's	1
Worcester	2
	<u>253</u> total

OUT OF STATE

Total	39
-------	----

WASHINGTON, D. C.

Total	3
-------	---

295 Total First Year Students

NOTE: The University of Baltimore became a public institution in 1975 and in the transition had data processing difficulties which precluded identification of students other than first year by geographic origin or by day and evening.

CHAPTER II

3. Enrollment and Graduates

a. University of Maryland Law School

Enrollment and Degrees Conferred (HEGIS Reports)

Year	Enrollment			Degrees
	FT	PT	TOTAL	(LLB, JD)
1969-70	332	201	533	123
1970-71	447	197	644	136
1971-72	507	213	720	155
1972-73*	766	14	780	239
1973-74	747	10	757	203
1974-75	769	22	791	226
1975-76**	530 (Day)	282 (Evenings)	812	-

* Change in FT/PT 1971-72 is due to change in reporting procedures

** Enrollment was reported as day and evening for fall 1975. This presents a better picture of the distribution of students.

b. The Dean of the University of Maryland Law School has stated that he does not plan to increase the enrollment in the future and would prefer to decrease the enrollment if the employment problems for law school graduates persist.

c. University of Baltimore Law School

Enrollment and Degrees Conferred (HEGIS Reports)

Year	Enrollment			Degrees
	FT	PT	Total	(JD)
1969-70 Eastern	295	-	295	118
Un. Balt.	46	562	608	158
1970-71 Un. Balt.	214	633	847	106
1971-72 Un. Balt.	826	236	1,062	155
1972-73 Un. Balt.	455	740	1,195	278
1973-74 Un. Balt.	868	322	1,190	328
1974-75 Un. Balt.	932	182	1,114	333
1975-76 Un. Balt.*	443 (Day)	562 (Evening)	1,005	-

* The enrollment for fall 1975-76 was reported as day and evening. This presents a better picture of the description of students.

d. The Dean of the University of Baltimore Law School reduced his enrollment from 1,114 in 1974, 1,005 in 1975 in the interest of improving the quality of his programs. His aim was to improve not only the admission levels, but also to improve the student - faculty ratio which is far in excess of ABA standards and further to make other improvements through better allocation of his limited resources. He has stated that his future plans are to hold enrollment at about 1,000 students, however, he is amenable to future decreases or even increases should the situation demand.

e. The enrollment at the two schools is complementary in that the day division at UMAB is larger whereas the evening division at University of Baltimore is larger. Their facilities are to be scaled to be commensurate with the needs of the larger divisions and total enrollments can be adjusted either ~~upwards~~ or downwards without any change in the planned facilities.

f. The Committee entered into long and careful consideration of the advisability of either increasing enrollment to respond to the pressure from law school applicants who could not gain admission, or decreasing the enrollment in the light of the apparent oversupply of lawyers in Maryland under the present system for delivery of legal services. This dichotomy the Committee found was not susceptible to numerical solution and in the end the Committee agreed that retaining the present enrollment levels would offer an equitable and acceptable balance between the demands for legal education and the current oversupply of lawyers.

g. The Committee also observed that although there are problems temporarily caused by the economic recession, there is a growing need which society cannot long resist, that of providing better legal services in the civil field for indigents and middle income persons, and better legal services in the criminal field for those who fall between the indigent and the wealthy. While part of this problem may be attributed to geographic mal-distribution of lawyers, that factor has not prevented the public defender systems from providing excellent legal services in criminal cases for indigents throughout Maryland. Although the Committee had strong feelings as to the need for further study of this problem, it felt that the matter of providing proper legal services to the indigent is a broad societal problem far beyond the charge to the Committee in the Governor's letter. This question is addressed later in Chapter IV.

h. In summary therefore the Committee recommends that the two law schools operate at their current enrollments for the immediate and foreseeable future.

4. Minority Students in Law Schools

a. Minority Students

The following excerpts from the ABA Task Force Report on Professional Utilization:

" DEMAND FOR MINORITY LAWYERS

The Task Force received indications that with respect to some types of legal employment there was presently an increasing demand for minority lawyers. In describing the experience of a placement service established by the National Bar Foundation, Mr. Donald Stocks, then Executive Director of National Bar Foundation, said:

Well, so far there is a great deal of demand. I think that, much to our surprise, the federal government is cracking down on a great many private companies, as well as institutions, and they are unable to demonstrate their compliance with the civil rights requirement that they have minority employees, and I suspect that we now have probably thirty or forty corporate entities who are now looking for minority lawyers. The demand for minority lawyers in a wide range of positions, particularly in private industry, I think, exceeds the supply of minority lawyers who are interested in and willing to accept this kind of employment. Given the fact that, when you are talking about lawyers, you are only talking about 4,000, if every major corporation in America, you know, had to pick up a proportion to add to their house counsel or their out-house counsel, there wouldn't be any black lawyers left to practice, to serve the black community.

So that we are caught in a dilemma. There is a greater demand because of federal requirements than there is a supply that is available to meet that demand. "

" Despite this need, concern was expressed for members of minority groups who will face increased competition both as applicants to law schools and in seeking professional employment. In commenting on the effect the large number of law school graduates might have on minority law student programs, Thomas Ehrlich, Dean of Stanford University Law School, said:

Money is the key, and I think we should make tremendous efforts to support minority students throughout law school. I think we all realize the necessity for supporting such students through law school, and I am sure I don't have to go into the reasons, but we ran across the counter-force, the counter-prevailing idea, "What are we going to do with all those lawyers," and they're apparently worried about it, and they want to decrease the funds for all law students and decrease the funds particularly for minority students.

In addition, the fear was expressed by Prof. Ruud and others that it might become increasingly difficult to maintain admission programs which offered admission to a number of minority students who, because of previous educational deprivation, offered admission credentials substantially lower than those offered by other admittees as the demand for admissions increased and average admission standards rose.

The Task Force believes that every effort should be made to increase the number of members of minority groups in the Bar. This, of course, is the established policy of the American Bar Association as evidenced by its support of the CLEO program. The Task Force also believes that the present demand for legal education should not be permitted to create a situation in which the need for increased numbers of minority law students would be forgotten or subordinated."^{1/}

^{1/}

ABA Report of Task Force on Professional Utilization (1972)

Pages 44-45

b. Minority Law School Students in Maryland

The following are the number of minority students in law schools in Maryland as reported to the Maryland Council for Higher Education:

TABLE VII
University of Maryland Law School

<u>Race</u>	<u>1974</u> <u>Number of Students</u>	<u>1975</u> <u>Number of Students</u>
Black	100	103
Other	<u>693</u>	<u>681</u>
Total	793	784

University of Baltimore Law School

<u>Race</u>	<u>1974</u> <u>Number of Students</u>	<u>1975</u> <u>Number of Students</u>
Black	21	33
Other	<u>1,093</u>	<u>972</u>
Total	1,114	1,005

c. The opportunities for study by members of minority groups, particularly black students, does not seem to be significantly greater in the part-time or evening division of the two schools. In other words, the opportunity to study in the evening does not appear to be an important factor in increasing the number of minority group students at the law schools. This, of course, may be due in part to the fact that it is particularly difficult for any student from a disadvantaged background to keep up with studies in a law school while holding a full-time job. Many law teachers have argued that the study of law is a full-time occupation for students, and any employment for a significant number of hours per week interfere unduly with effective legal education.

d. The factors of admission standards and financial resources are more significant in determining whether students from minority or other disadvantaged backgrounds can obtain legal education. The AALS and the ABA, joined by other concerned organizations, have recognized the importance to society and to the law schools to increase the number of such students in legal education and to that end have supported nationwide programs of special admissions and financial aid. Those programs have been described and discussed in a Symposium in the University of Toledo Law Review,

CHAPTER II

Volume 1970, Number 2 and 3. They are also involved in the case of a student Marco De Funis who sued the University of Washington because he was refused admission to its law school while applicants who had poorer academic records and LSAT scores were admitted because they were members of minority groups. De Funis charged that this deprived him of his constitutional right to equal protection of the laws. The case was carried to the Supreme Court which declined to rule on the case since De Funis had subsequently been admitted and was graduating. Justice Douglas dissented and stated inter alia in his brief:

"It ... appears that by the committee's own assessment, it admitted minority students who, by the tests given, seemed less qualified than some white students who were not accepted, in order to achieve a "reasonable representation."

The consideration of race as a measure of an applicant's qualifications normally introduces a capricious and irrelevant factor working on invidious discrimination. Once race is a starting point, educators and courts are immediately embroiled in competing claims of different racial and ethnic groups that would make difficult manageable standards consistent with the equal-protection clause (of the 14th Amendment).

The clear and central purpose of the 14th Amendment was to eliminate all official state sources of invidious racial discrimination in the states."

Not surprisingly, this one man opinion is having the greatest effect on higher education officials looking for guidance in this troubled area.

In a brief before the Supreme Court in the De Funis case, the AALS emphasized that "the presence in the classroom and school of different colors and sexes as well as different cultural and economic backgrounds..is one important reason for inclusion in law school of qualified minority students who, on quantitative measures, may be lower than white students." Both of the law schools in Maryland have acted in accordance with these principles and have taken measures to assure that admission policies and financial exigencies do not operate to exclude minority group students who have the capacity to undertake law study successfully.

5. Women In Law Schools

a. The ABA Study on "Professional Utilization" shows that number of women in ABA approved law schools in the United States increased from 1,575 in 1962 to 12,173 in 1972; an increase of 673%. Percentage-wise the enrollment of women increased from 4% in 1964 to approximately 9% in 1972.

TABLE VIII
WOMEN STUDENTS IN APPROVED SCHOOLS (U.S.)

1964	2,183	(4%)
1965	2,537	
1966	2,678	
1967	2,906	
1968	3,704	
1969	4,715	
1970	7,031	
1971	8,914	
1972	12,173	(9%)
1973	16,760	

CHAPTER II

b. In Maryland the trend in women attending law schools has been as shown in the following table:

TABLE IX

ENROLLMENT OF WOMEN IN MARYLAND LAW SCHOOLS

	<u>Men</u>	<u>Women</u>	<u>Total</u>	<u>% Women</u>
<u>1969</u>				
University of Baltimore	574	34	608	6
University of Maryland	491	42	533	8
<u>1970</u>				
University of Baltimore	799	48	847	6
University of Maryland	581	63	644	10
<u>1971</u>				
University of Baltimore	1,005	57	1,062	5
University of Maryland	625	95	720	13
<u>1972</u>				
University of Baltimore	1,118	77	1,195	6
University of Maryland	651	129	780	17
<u>1973</u>				
University of Baltimore	1,081	109	1,190	9
University of Maryland	606	151	757	20
<u>1974</u>				
University of Baltimore	977	137	1,114	12
University of Maryland	588	203	791	26
<u>1975</u>				
University of Baltimore	831	174	1,105	17
University of Maryland	553	231	784	29

C. Bar Admissions

1. The attached tables show the number of persons taking the Maryland Bar examinations for the years 1970-1975 for the first time and those "repeaters" taking the examinations two or more times. The percentage passing in each instance, as well as the aggregate for each year is shown. The results of both the winter and summer bar examinations are included. In addition, the number of lawyers from other states admitted to the Maryland Bar "on motion" is shown for each year as well as the total number admitted for the year.
2. The tables show several changes over the past five years which are significantly affecting the annual admissions to the Maryland Bar. The number passing the bar examination the first time is considered the most significant figure in each case. The number of repeaters passing the bar is, however, important since about 20% of the annual bar admissions (by exam) come from that source.
 - a. Eastern College Law School had a very low percentage passing the bar the first time (22%). The consolidation of Eastern with University of Baltimore Law School in 1970 has resulted in a higher percentage passing in bar in subsequent years (e.g. 32% in 1972; 57% in 1974).
 - b. The percentage of students of University of Baltimore passing the bar the first time has increased from 39% in 1970 to 57% in 1974. The number passing in 1975 dropped to 48%; however, it should be noted that the percentage passing for all law schools including University of Maryland and D. C. Schools also dropped that year.
 - c. The percentage of University of Maryland Law School students passing the bar the first time has steadily climbed; i.e. from 84% in 1970 to an annual high of 92% in 1973 and 1974. Eventually about 97% of the Maryland students pass the bar. These percentages are well above the national average of about 76%.
 - d. The percentage of students from D. C. law schools passing the Maryland Bar the first time has not changed markedly over the past five years and has averaged about 70%. There have been significant changes in the percentage of students from other states passing the Maryland Bar the first time. In 1970 the percentage was 67, rose to 95 in 1973 and has averaged 81%
 - e. The tabulation below shows the number and percentage of new bar admissions (first time and repeaters) from Maryland, D.C. and other out-of-state schools.

Year	Maryland		<u>New Admissions By Exam</u> D.C.		Other		Total	
	No.	%	No.	%	No.	%	No.	%
1970	249	62	101	25	50	13	400	100
1971	227	57	112	28	59	15	398	100
1972	236	49	153	32	93	19	482	100
1973	352	54	197	31	96	15	645	100
1974	411	57	211	29	101	14	723	100
1975	330	53	198	32	97	15	625	100

TABLE X

ADMISSIONS TO MARYLAND BAR
BY EXAMINATION & MOTION

Law School	Examination											Admitted By Motion	Admissions
	1st Timers			Repeaters			Total						
	Taking	Passing	%	Taking	Passing	%	Taking	Passing	%				
1970													
Eastern College	96	21	22	101	25	25	197	46	23				
Univ. Baltimore	140	55	39	142	38	27	282	93	33				
Univ. Maryland	120	101	84	18	7	50	138	110	80				
S.Total Md.	356	176	49	261	72	28	617	249	40				
D.C. Law School	115	82	71	38	19	50	153	101	66				
Other States	69	46	67	8	4	50	77	50	65				
TOTAL	540	305	56	307	95	31	847	400	47	36		436	
NOTE: University of Baltimore and Eastern College Law Schools merged September 1970													
1971													
Univ. Baltimore	128	26	20	253	73	29	381	99	26				
Univ. Maryland	120	109	91	31	19	61	151	128	85				
Total Md.	248	135	54	284	92	32	532	227	43				
D.C. Law School	144	99	69	38	14	37	182	112	62				
Other States	65	51	78	35	7	20	82	59	72				
TOTAL	457	285	62	357	113	32	796	398	50	33		431	
1972													
Univ. Baltimore	145	46	32	202	50	20	347	96	28				
Univ. Maryland	143	126	88	22	14	64	165	140	85				
Total Md.	288	172	60	224	64	24	512	236	46				
D.C. Law School	209	133	64	50	20	38	259	153	59				
Other States	102	84	82	12	9	75	124	93	75				
TOTAL	599	389	65	262	93	35	895	482	54	46		528	

TABLE X

ADMISSIONS TO MARYLAND BAR
BY EXAMINATION & MOTION

Law School	Examination										By Motion	Admissions
	1st Timers			Repeaters			Total					
	Taking	Passing	%	Taking	Passing	%	Taking	Passing	%			
<u>1973</u>												
Univ. Baltimore	209	109	52	222	41	17	431	150	35			
Univ. Maryland	210	193	92	17	8	47	227	202	89			
Total Md.	419	302	72	239	49	19	658	352	53			
D.C. Law Schools	235	157	67	82	39	67	317	197	72			
Other States	91	86	95	26	12	46	137	96	70			
TOTAL	745	545	74	347	100	29	1,112	645	58	49		694
<u>1974</u>												
Univ. Baltimore	271	154	57	218	85	39	489	234	48			
Univ. Maryland	178	163	92	20	14	70	198	177	89			
Total Md.	449	317	71	238	99	42	687	411	60			
D.C. Law Schools	254	185	73	72	26	36	322	211	66			
Other States	111	89	80	19	7	37	134	101	75			
TOTAL	814	591	73	329	132	40	1,143	723	63	46		769
<u>1975</u>												
Univ. Baltimore	226	108	48	244	62	25	470	170	36			
Univ. Maryland	195	149	76	25	11	44	220	160	73			
Total Md.	421	257	61	269	73	27	690	330	48			
D.C. Law Schools	236	167	71	91	31	34	327	198	61			
Other States	112	90	80	28	7	25	140	97	69			
TOTAL	769	514	67	388	111	29	1,157	625	54	44		669

NOTE: Antioch Law School was established in Washington, D.C. in 1972 but did not graduate any students until summer of 1975.

f. In the future, as the percentage of students passing the bar from the University of Baltimore rises to the national average of about 76%, as it should, the number of bar admissions from that school should increase on the order of 30-40% and result in about 50 or more new admissions per year to the Maryland Bar. Thus, with improvement in the percentages passing the bar exams, the graduates of the two Maryland law schools plus those from out-of-state schools could result in new admissions by examination of about 700 or more lawyers per year. These added to the average number admitted by motion (i.e. about 46) will result in about 750 or more admissions per year.

CHAPTER II

D. Financial Reports

1. The financial reports of the two law schools are reproduced and attached hereto as submitted. The budget procedures used by the University of Baltimore and by the University of Maryland are somewhat different and it was therefore found to be impracticable to attempt to put all of the financial data in the same format. Notwithstanding this difficulty, the table below shows the total costs, the net cost to the State, and cost per FTE student for each of the two schools for FY 1976. Both budgets included prorated general administration, plant and other indirect expenses.

	<u>FY 1976 Budget</u>	<u>Cost/FTE</u>
University of Baltimore (864 FTE)	\$1,648,000	\$1,907.41
Less: Tuition/Fees and other non-State funds	<u>830,000</u>	<u>960.65</u>
Net Cost to State	\$ 818,000	\$ 946.76
University of Maryland (725 FTE)	\$1,705,344.00	\$2,352.31
Less: Tuition/Fees and other non-State funds	<u>537,183.00</u>	<u>740.94</u>
Net Cost to State	\$1,168,161.00	\$1,611.37

NOTE: Above figures were reconstructed from attached
UMAB Law School Reports.

2. The net cost to the State per FTE student is essentially the general fund support for FY 1976. It is realized that comparisons of the total costs and level of State support per FTE student cannot always be accepted categorically; however, some comparisons are needed to determine whether or not the funding level of the two law schools is adequate and will enable those two schools to offer quality legal education. The foregoing tabulations show that within the State there is a difference of \$665/FTE student per year; the University of Baltimore being the lower of the two. This latter school is in transition from private to state status and it should be anticipated that eventually it should be funded at or near the same level as University of Maryland Law School. On the basis of current enrollments, this will add approximately \$550,000 per year in additional cost to the State.

CHAPTER II

3. A study by the State Council of Higher Education for Virginia recently received by the Maryland Council for Higher Education in late 1974, shows that in 1973-1974 the State of Virginia was providing state funds for William and Mary Law School (Marshall-Wythe) at a level of \$1,873/FTE student, a funding level which the Virginia Council has stated it considers inadequate. Comparative studies of other law school budgets by MCHE staff show that the 1975 cost of quality legal education in the more reputable schools (excluding capital costs) was about \$2,800/FTE student. Depending upon the income from tuition, fees, federal and other non-state sources, it would appear that the level of state support for these two Maryland law schools should be between \$2,000 and \$2,300/FTE student if they are to achieve a respectable standing worthy of the State and its resources.

UNIVERSITY OF BALTIMORE
LAW SCHOOL

In Thousands

	EXPENDITURE FISCAL 1974	APPROPRIATION FISCAL 1975	REQUESTED FISCAL 1976
OPERATING INCOME			
Tuition & Fees	\$975	\$851	\$790
Governmental & Foundation Grant Income	34	35	35
Overhead Income or Contracts & Grants	-	-	-
State & City Appropriations	-	272	818
Endowment Income	-	-	-
Annual Giving	-	-	-
1) designated for the Law School			
2) assigned to the Law School from general University gifts			
Other (sale of publications, income from vending machines, etc.):			
Bar Subsidies	-	3	5
University Funds	<u>242</u>	<u>272</u>	<u>-</u>
TOTAL INCOME	\$1,251	\$1,433	\$1,648
OPERATING EXPENDITURES			
Decanal Salaries (include Associate and Assistant Deans)	\$ 406	\$ 70	\$ 72
Faculty Salaries		443	556
General Administration (Secretarial, Supplies, Telephone, Travel, etc.)	96	122	162
Student Financial Aid	34	35	35
Law School Share of University Overhead	600	605	660
Library:			
Professional Staff Salaries	53	54	59
Non-Professional Staff Salaries		16	18
Books, Binding & Repair	57	72	72
Other Library	5	16	14
Other Law School	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL EXPENDITURES	\$ 1,251	\$ 1,433	\$ 1,648

* FY 1975 represents six months as a public institution.

UNIVERSITY OF MARYLAND

LAW SCHOOL

	<u>Total</u>	<u>Cost/FTE</u>
a. Salaries	\$1,121,057	\$1,546.29
(1) b. Plant Maintenance and Operation	193,165	266.43
c. Law School Operation	<u>226,380</u>	<u>312.25</u>
	\$1,540,602	\$2,124.97

(1) Total Physical Plant	\$6,191,194
Square Foot Ratio (See Public Safety)	<u>.0312</u>
	\$ 193,165

PUBLIC SAFETY

Prorated on a basis of square feet.

Law School	73,223 GSF	= .0312
Total Campus	2,344,022 GSF	

Total Public Safety	\$635,393
GSF Ratio	<u>.0312</u>
	\$ 19,824

Public Safety Cost/FTE = \$27.34

ADMINISTRATIVE AND GENERAL

Prorated on basis of the amount of Law School Budget as a percentage of the direct budgets for all instructional schools at UMAB.

Total Administrative & General UMAB	\$2,569,515
Less Business Office Hospital	<u>832,193</u>
	\$1,737,322
Less: 50% - Hospital Support	<u>868,661</u>
Total	868,661

Law School Direct Expense	\$ 1,347,437	= 7.1%
Total UMAB Instruction	19,102,187	

Administrative and General \$ 868,661 X .071 = 61,675

Administrative Cost/FTE = \$85

STUDENT SERVICES

Prorated on basis of ratio of Law students to total number of students. Budgeted amount of grants, subsidies, etc. deducted from Student Services budget.

Total Student Services	\$1,419,367
Student Aid	(-) 776,737
Desegregation	(-) 204,507
Total	\$ 438,123

$$\frac{\text{Law Students}}{\text{Total Students}} = \frac{725}{3,878} = 19\%$$

$$\$438,123 \times .19 = \$83,243$$

$$\text{Student Services Cost/FTE} = \$115$$

SUMMARY OF COST/FTE

	Total	FTE
Salaries	\$1,121,057	\$1,546.29
Plant Maintenance and Operation	193,165	266.43
Operating Expenses	226,380	312.25
Public Safety	19,824	27.34
Administration and General	61,675	85.00
Student Services	83,243	115.00
Total	<u>\$1,705,344</u>	<u>\$2,352.31</u>

LAW SCHOOL (BUDGET FY1976)

Student Fees	\$554,900
Less: Scholarships	17,917
Miscellaneous	200
Total Net Income	<u>537,183</u>

$$\text{Net Income/FTE} = \$ 741$$

$$\text{Net General Fund Cost} = \underline{\underline{\$1,611.31}}$$

CHAPTER II

E. Faculty and Staff

1. Attachments A and B show the faculty and staff at the two law schools.
2. The University of Baltimore requires at least 10 additional full time faculty to conform to ABA minimum standards and about 15 additional faculty to bring its student faculty ratio to that of UMAB Law School. The University of Maryland should be able to offer quality legal education with its current faculty and staff.

Based upon an analyses of several surveys on faculty salaries, including one by a consultant to the Maryland Council for Higher Education, one by Virginia State Council for Higher Education and a confidential survey by ABA, the salaries paid to faculty at the University of Baltimore and the University of Maryland Law Schools are low in some instances and higher in other instances as illustrated by the following table:

Law School Faculty Salaries
University of Baltimore and University of Maryland

(Median Salaries by Years of Teaching Experience
Excluding Fringe Benefits)

<u>School</u>		No. in <u>0-5 Years Category</u>		No. in <u>6-15 Years Category</u>		Over <u>15 Years Category</u>	No. in <u>Category</u>
1) Univ. Balt.	\$16,412	5	\$20,073	5	\$24,058	10	
2) Univ. Md.	20,890	6	25,000	14	28,675	12	
3) Survey of Law Schools	19,407		24,844		30,713		

3. The ABA Standards for Approval of Law Schools states: "The compensation paid faculty members should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified private practitioners and government attorneys and of the judiciary. The compensation paid faculty members at a school seeking approval should be comparable with that paid faculty members at similar approved law schools in the same general geographical area." The two Maryland law schools are located in an area which is unique in that there is an unusually large number of competing law schools in the area as illustrated by the list on the following page:

CHAPTER II

<u>Location</u>	<u>Law School</u>
Washington, D. C.	Antioch American University Catholic University Georgetown University George Washington University Howard University International
Note: One more law school may be started in Washington, D. C.	
Delaware	Delaware Law School (Wilmington)
New Jersey	Rutgers University (Camden) Rutgers University (Newark) Seton Hall (Newark)
Pennsylvania	Dickinson (Carlisle) Temple (Philadelphia) Univ. of Penna. (Philadelphia)
Virginia	Univ. of Virginia (Charlottesville) Washington & Lee (Lexington) University of Richmond (Richmond) William & Mary (Williamsburg)
West Virginia	West Virginia Univ. (Morgantown)

4. The cost of bringing faculty salaries to the median levels cited on page II-35 would be approximately as shown in the following table:

University of Baltimore

<u>No. Faculty in Category</u>	<u>Annual Increase</u>	<u>Amount</u>
5	\$2,995	\$14,975
5	4,771	23,855
10	<u>6,655</u>	<u>66,550</u>
Sub Total		\$105,380

Plus 10 additional faculty at
average of \$25,000 \$250,000
Total \$355,380

University of Maryland

<u>No. Faculty in Category</u>	<u>Annual Increase(+)</u>	<u>Amount</u>
6	(-) \$1,483	(-) \$8,898
14	(-) 156	(-) 2,184
12	<u>(+) 2,038</u>	<u>(+) 24,456</u>
		\$13,374 <u>1/</u>

- 1/ Assuming existing salaries could not be lowered, the estimated cost would be \$24,456.

F. Future Facility Requirements

1. Evaluation of Existing Facilities

Before the examination of existing facilities was undertaken, visits were made by a Maryland Council for Higher Education staff member to nearby law schools in Washington, D.C. and studies were made of the plans of twenty five law schools obtained from Association of American Law Schools. In addition, plans and information from twelve other law schools were obtained directly from the Deans. All of these were studied in the light of ABA Standards for Approval of Law Schools and publications by experts in the field of law school and library planning, and nationally recognized space guidelines for planning facilities. Existing law schools in Maryland were visited and a careful study was made of the drawings and inventories provided to Maryland Council for Higher Education staff in early 1974.

2. University of Maryland Law School - Facilities

a. The present building was completed in 1966. It includes 71,783 gross square feet, 41,170 net assignable square feet. The building efficiency of about 58% is about 5% below normal for this type of building. The allocation of space, accomplished in the original design of the building, has resulted in less than optimum use of space and expandability. The library for example, consists of only 13,994 NASF and is built with a monumental reading room and mezzanine which were outmoded 30 or more years ago by the advent of modern airconditioning systems and lighting. The library is inadequate for the housing of the required collection and as to required seating space for students.

b. Faculty and other offices were planned for a lower student enrollment and hence require the use of temporary buildings (trailers) and other buildings for faculty and staff. The ABA accreditation team in the Spring of 1975 was highly critical of the resources available, particularly the services and size of the library and other spaces.

c. Based upon the assumption that the current day time enrollment of the University of Maryland Law School will not need to be expanded to meet the needs for legal education in Maryland, it appears that any expansion of the law school facilities should be accomplished so as to afford more adequate library space and to provide additional staff and faculty offices and service space. If the present library space is converted to other law school uses, such as faculty and staff offices, student lounges, etc. then an addition of approximately 51,000 NASF (78,000 GSF) should suffice. The estimated cost for this expansion would be about \$7,400,000. The new total available NASF 90,321 would be adequate to accommodate a day enrollment at the University of Maryland Law School of about 540 students; however, with some alterations and revisions, this total amount of space could accommodate a larger day enrollment. For example, Georgetown University Law School accommodates over 1,500 day students in 96,636 NASF; the University of Illinois Law School in 1972 accommodated 734 day students in 78,570 NASF including a 237,136 volume library.

CHAPTER II

3. University of Baltimore Law School - Facilities

a. The space allocated for law school use at the University of Baltimore totals 22,402 net assignable square feet; the total University space is 178,679 NASF. This total amount of space is considered entirely inadequate for the projected enrollment for 1980 in the undergraduate and graduate schools and the law school as tabulated below:

University of Baltimore Enrollments for 1980 *

<u>Enrollment</u>	<u>Existing 1973</u> (FTE)	<u>Projected 1980</u> (FTE)	<u>Head Count</u>
Day			
Business and Liberal Arts	1,524	1,297	
Law	575	535	450
TOTAL	2,099	1,822	
Evening			
Business and Liberal Arts	1,089	1,569	
Law	519	413	550
TOTAL	1,608	1,982	
Total Business and Liberal Arts	2,613	2,866	
Total Law	1,094	938	
COMBINED TOTAL	3,707	3,804	

* SOURCE: University of Baltimore Master Plan 1975

b. The Law School is scattered in several buildings, has an inadequate library (i.e. about one fourth of that required) and has only shared facilities for other essential functions. The ABA accreditation team which visited the University of Baltimore in 1974 to evaluate progress towards full accreditation of the Law School stated in its report that the present physical plant is inadequate for the current and anticipated programs including library, faculty office and staff offices. The inspectors further stated that continued delay in the construction of new facilities will jeopardize the quality of the program and the continuation of accreditation will be subject to the commencement of a new building.

c. The University of Baltimore has proposed construction of a new Law School building adjoining its present facilities located at Mt. Royal Avenue and Charles Street in Baltimore. This proposed new building would consist of 120,975 gross square feet (72,585 NASF) and would cost approximately \$7,041,455 including construction, fees, site equipment and related services. The size of the proposed building is to be scaled to accommodate 550 night law students and 450 day students.

4. Library Collections

a. The two law schools require libraries to meet the ABA accreditation standards and to improve the quality of their offerings. The ABA "Review of Law Schools" published annually lists various data on enrollments, faculty, tuition and library collection for all law schools. The

CHAPTER II

tabulation below shows the library collections of a few of the higher quality law schools:

University of California - Berkley	312,412
Stanford University	213,608
Yale University	527,428
Georgetown University	165,022
University of Michigan	436,100
University of Minnesota	352,127
Duke University	180,816
University of Pennsylvania	249,977
University of Virginia	265,868

b. The median number of volumes for all ABA approved law schools is 94,000. The University of Maryland currently has about 115,000 volumes, about 15,000 of which are in storage because of inadequate stack space. The University of Baltimore has about 60,000 volumes which is the minimum collection recommended by AALS. The Maryland Council for Higher Education staff has observed over the past few years that many of the new libraries built by the State at some higher education institutions did not provide for the future expansion of collections and student enrollments and hence were inadequate within 6-7 years after they were completed. The two existing Maryland law schools have limited sites, being in high cost urban locations and hence plans for their libraries should be on the liberal rather than on the conservative side.

c. The proximity of the two schools and coordination of law programs and offerings as has been recommended by the Committee should enable cooperative development and use of their library collections. The University of Maryland Law School does not have the advantage of a general university library on its campus and the Committee therefore feels it should plan for a library to house an ultimate collection of 300,000 volumes.

d. The University of Baltimore has a general library on campus and considers that a law collection of 150,000 volumes will suffice for its law and combined programs. The University of Maryland library would provide the special collections required for research or certain instruction not required for the basic law curriculum. This cooperative arrangement will effect a significant savings in library acquisition and operating costs.

UNIVERSITY OF BALTIMORE LAW SCHOOL
FACULTY AND STAFF
FY 1976

1. Faculty

Professors	11	Full Time	
Associate Professors	2	"	"
Assistant Professors	7	"	"
Lecturers	<u>19</u>	Part	" (6 FTE)
Total Faculty	26	FTE	

2. The student faculty ratio on a FTE basis is 33:1 or 50:1 (Head Count Students). Professor Millard Ruud, Executive Director of the Association of American Law Schools and formerly consultant to ABA, states that ABA becomes concerned when the ratio on a head count basis is in excess of 35:1. The University of Baltimore Law School estimates that it needs approximately 10 more full time faculty to attain the minimum ABA standard. Assuming these were to be appointed at salaries approaching the national median, the additional annual cost would be about \$250,000. If the student faculty ratio were to be brought to the same ratio as the University of Maryland Law School (i.e. about 21:1), then about 15 more faculty would be required at a cost of \$375,000/year.

University of Baltimore Staff - Law School

Administrative Staff

Dean	1
Associate Dean	1
Assistant Dean	1
Secretarial Staff	<u>5</u>
	6

Supporting Staff

Assistant Registrar	1
Director Law Admissions	1
Secretarial Staff	<u>2</u>
	4

Library

Librarian	1
Associate Librarian	1
Assistant Librarian	1
Library Technician	1
Secretary	<u>1</u>
	5

Sub Total Staff	15
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Total Faculty & Staff	41
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The faculty and staff of the University of Baltimore has increased from 34 total to 41 since FY 1974 and the enrollment has decreased from a head count of 1,114 to 1,005.

UNIVERSITY OF MARYLAND LAW SCHOOL
FACULTY AND STAFF
FY 1976

1. Faculty

Professors	19 F.T.
Associate Professors	10.5 F.T.
Assistant Professors	3 F.T.
Instructors	<u>1.3 F.T.E. (12 P.T.)</u>
	33.8

Supv. Legal Aid Clinic	<u>.75 F.T.</u>
------------------------	-----------------

Total Faculty	34.55 F.T.E.
---------------	--------------

2. The student faculty ratio is 21:1 which is slightly more favorable than several of the law schools with national reputations, e.g.:

Harvard	26:1
Minnesota	22:1
University of North Carolina	22:1
Stetson	24:1

but it is slightly lower than that of the most prestigious law schools which have student faculty ratios of about 18:1. A recent survey which included 40 law schools with enrollment between 700 and 1,100 students shows a median student faculty ratio of 25:1.

University of Maryland Staff - Law School

Administrative Staff

Dean	1
Associate Dean	1
Assistant to Dean	2
Administrative Aid	<u>1</u>
	5

Supporting Staff

Office Secretary	9
Stenographer Clerk	1
Typist Clerk	1
Program Analyst	<u>1</u>
	12

Library

Librarian	1
Associate Librarian	1
Library Assistant	<u>6</u>
	8

Sub Total Staff	25
-----------------	----

Total Faculty & Admin.	59.5
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The faculty and staff of the University of Maryland has increased by 4.5 positions since FY 1974 and the enrollment from 791 head count to 812 in the same period.

CHAPTER III

JOB OPPORTUNITIES FOR LAW SCHOOL GRADUATES

The burgeoning enrollment in law schools over the past decade together with a steady increase in the percentage passing the bar examinations have resulted in an ever growing problem in the job opportunities for law school graduates. The question usually asked when this matter is brought up is: "Are we talking only about jobs in law firms or where a lawyer directly uses his legal training, or are all types of jobs included where this legal training is a good foundation? The answer, unfortunately is: "We are talking about all types of jobs including many where a legal education and in fact any graduate level education is neither required or desirable."

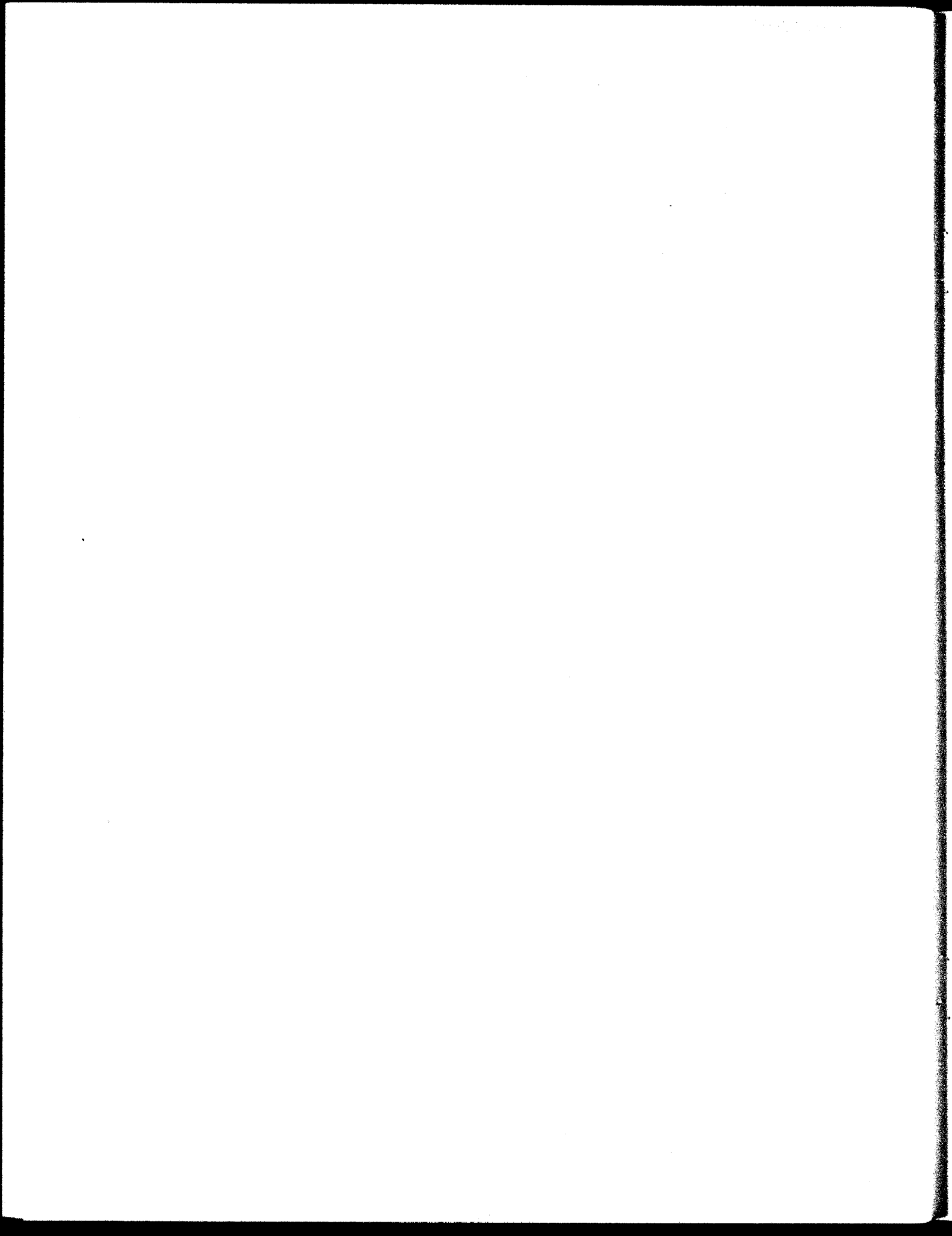
The following table shows the magnitude of the growth of law schools and number of graduates and admissions to the bar - nationwide.

<u>Year</u>	<u>Law School Enrollment</u>	<u>Number Degrees</u>	<u>New Admissions To Bar</u>
1965	59,744	11,507	13,109
1966	62,556	13,115	14,644
1967	64,406	14,738	16,007
1968	62,779	16,077	17,764
1969	68,386	16,733	19,123
1970	82,499	17,183	17,922
1971	94,468	17,006	20,485
1972	101,707	22,342	25,086
1973	106,102	27,756	30,707
1974	110,713	28,739	33,358
1975	116,991	29,961	33,600 (Est.)

SOURCE: James P. White - Is That Burgeoning Law School Ending?
February 1975 - ABA Journal.

The Lawyer Placement Information Service of the American Bar Association (Ms. Frances Utley) was consulted on this problem and she provided the attached study which she prepared in 1972. In telephone conversations as well as in her letter, Ms. Utley stated that the placement problems are more serious now than in 1972 and will probably become worse. The Department of Labor estimates that there will only be 20,000 new legal positions available through 1985 whereas new admissions to the Bar are over 33,000 per year now. She further observed that the demand for legal services is difficult to predict because of changes brought about by government regulations, court decisions and other economic and societal changes.

Another problem Ms. Utley pointed out in her letter is that of on-the-job training. Employers feel that it takes two years on the job before a new lawyer is able to function independently in the practice of law. Only a few large corporations, firms, or government agencies find it possible to accept graduates immediately out of law school. This considerably narrows the field of employment opportunities.



CHAPTER III

An informal query of a federal department in Washington, D. C. reveals that there are three to four lawyers seeking every available job where their education can be used and some are taking positions as clerks or aides formerly occupied by persons with baccalaureate or high school level education.

In Maryland, the situation is similar and the Dean of the UMAB Law School in his annual report for 1975 as well as in his school catalog has cautioned potential law school candidates that in the next few years, there will be a problem of employment for law school graduates particularly in traditional legal work. His report cites a study by Professor Hal Smith which estimates that by 1978, there will be a need for only 390 new lawyers in traditional practice as compared to approximately 700 new Bar admissions per year. This situation was also pointed out in a 1974 study prepared by Mr. K. G. Robinson of the staff of the Maryland Council for Higher Education.

In summary therefore, the employment outlook for law school graduates for the next few years is not bright, particularly those from less prestigious law schools with lower passing grades.

THE CRISIS IN LAW SCHOOL GRADUATE PLACEMENT

By Ms. Frances Utley, ABA Lawyer -

Placement Information Service (1972)

The following excerpts from Ms. Utley's Report are quoted below for information:

"The fact that the bulk of the young lawyers, as indicated by the survey, are located primarily as associates in law firms and in federal government positions appears to be fairly representative of first job situations as revealed by the limited information available from other sources."

"Can The Traditional Job Market Be Expanded?"

Loosely interpreting the few statistics provided rather than accepting them as absolutes, it would appear that the traditional job market for graduates has been primarily in three areas:

- ... Law firms, 50%
- ... Government agencies at all levels, 33%
- ... Private Concerns of all types, 10%
- ... Other, 7%

Using Professor Ruud's statistics, however, and assuming that the present market absorbs all available graduates, which evidence indicates it does not, we are still faced with a gap of between 10,000 and 15,000 between the estimated number of positions available in each of the next three years, and the number of new admissions each year. This is a formidable number."

"The federal job market for young lawyers has been relatively steady for the last few years with the exception of 1971 when budget cut-backs reduced the employment of law school graduates. State and local government opportunities have also appeared to remain relatively steady. However, we have found that in most instances law school graduates are handicapped in obtaining appointment to these state and local posts by the simple fact that most of them will require residency in the area and affiliation with the appropriate political party for appointment. With these economic and political factors likely to continue, it seems fairly safe to predict that it is improbable that any significant expansion in the government sector of employment can be anticipated within the next few years. At this point we are discussing only the utilization of lawyers in government in legal positions."

CHAPTER III

"It was only a few years ago that the development of the OEO Legal Services Program was hailed as creating a vast new demand for legal services. Overnight there was a call for 1,800 lawyers to man offices throughout the country. No great escalation has since occurred and the number in these offices throughout the country remains the same, 1,800. Even the expansion of legal aid and public defender offices has created no new surge of demand for law school graduates. The total number of lawyers employed in legal aid and defender offices throughout the country stands today at 4,000. Expanding legal services to the poor proved to be only a ripple on the job market."

"Nevertheless, among the solo practitioners and small law offices there is still a very viable market for graduates. For example, the survey conducted for the Board of Higher Education of the State of Illinois found that from more than 1,000 responses, 50% indicated they were interested in employing a young lawyer."

"The small office employer, too, has special problems. Among those we have heard:

- ... The "way-out" graduate of today simply does not fit into the community served by the office.
- ... Salary demands are far in excess of the amount the small office can afford to pay.
- ... It will be too long before the graduate can reach full utility, and consequent value to the office, and the needed training is expensive to provide.
- ... Too many students will not consider the non-urban situation offered by many of these employers."

"In this rather grim picture of a breakdown of communication on all sides--there is one comforting note. Bar associations and law schools have shown every evidence of wishing to do all possible to correct this situation. If answers can be found, conduits for translation into effective programs are certainly there."

CHAPTER III

"Today's Graduate And The Job Market"

The problems of today's graduate in the job market is not limited to numbers alone. Here again the experience of placement people across the country is consistent. The most frequently mentioned inhibiting factors include:

- ... Lower-half of the class. Even in the palmy days of a "seller's market" this group faced the greatest difficulties in locating a job. As law school enrollments escalate, the standards for admission rise even higher. It is probably safe to say that most prospective employers would be hard-pressed to match the intellectual attainments of today's graduate, even in the bottom-half of the class. These very employers, however, still insist on law review candidates for their opportunity.
- ... Not knowing the way to the courthouse. Unfortunately few graduates realize that it will be almost two years in practice before they are able to handle legal matters with relative independence. This long period of "on-the-job" training represents a substantial investment for the prospective employer and consequent limited utility of the new acquisition to the office during that period. On the reverse side of the coin, the student does not realize that his legal training has not provided this practical application so anticipates responsibilities and compensation at unrealistic levels.
- ... Geography. Most law schools serve a rather specific geographic area in terms of prospective employers. Students seldom realize that the school which they attend largely determines the area and type of practice which will be initially available.
- ... Economics. With so many of today's graduates married and having families, plus the numbers graduating with sizeable indebtedness for their legal training, immediate and substantial income is usually an important consideration. This problem is magnified by reason of the lack of or misinformation concerning going rates of compensation in the market served by the school. This problem would appear to be even more crucial in the days to come as responses to our recent survey of law schools and bar associations indicate that salary offerings may already be dropping in the glut of graduates on today's market."

CHAPTER III

"Nevertheless, given sufficient time, concern of the organized bar, and additional trained personnel, I would have no hesitancy in predicting that the job market with solo practitioners and small law offices could be expanded sufficiently to absorb the present increased law school enrollments. Unlike other types of employment opportunities, this is one area in which the limiting factors could most easily be controlled or eliminated by the bar itself. In contrast, consider the many outside factors that influence the potential number of attorneys which can be employed by government agencies and departments and over which it would be difficult for the bar to exercise any degree of control whatsoever. Keep in mind that at this point we are talking about 10,000 to 15,000 new jobs each year over and above the average of the past few years."

CHAPTER IV

UNMET NEEDS FOR LEGAL SERVICES

In the course of its discussions and review of questions of law school enrollments, the number of lawyers needed and related matters, the Ad Hoc Committee addressed very briefly another serious problem, that of the unmet need of the indigent and middle class persons who cannot afford required legal services in the civil fields and better legal services in criminal cases for those who fall between the indigent and the wealthy. This situation may, in part, be a result of a mal-distribution of lawyers, however, the public defender system in Maryland appears to have resolved the problem and is providing excellent legal services in criminal cases for indigents throughout the State.

This problem of providing legal services to the poor is nationwide and was addressed by the American Bar Association Task Force on Professional Utilization in 1972. Dean Bernard Wolfman of the University of Pennsylvania Law School wrote to the Task Force at that time:

"We know that the lower income groups in this country have legal needs that have never been met, and their needs continue to increase. In my judgment, it behooves the organized bar to do more than it has--all that it can--to persuade the federal government to increase the funds available to legal services for the poor and near-poor. OEO is being starved. If OEO's legal services were expanded adequately, the real demand for lawyers would clearly absorb the available supply."

Others such as A. Kenneth Pye, University Counsel for Duke wrote urging:

"We should get behind the idea of judicare as a supplement to existing legal services programs, to perform specialized functions in cities and to provide legal services in rural areas where no such services now exist."

Other deans urged Task Force support of concepts involving further development of legal services agencies with federal government support, programs of group legal practice, and prepaid legal insurance as well as general development of judicare type programs.

The ABA Task Force at that time considered the Legal Services Programs of the U.S. Office of Economic Opportunity, which were created to provide legal services to the poor but the level of funding of that program was low and restricted the services which could be rendered. This program has now been transferred by federal statute to a quasi public agency, the Legal Services Corporation located in Washington, D. C. In years prior to FY 1975, the funding level of this service was \$71.5 million per year; for FY 1976, \$88 million; and may be cut to \$80 million for FY 1977. Although this appears substantial from a State viewpoint, on a national level this is a meager amount and would provide only an average of \$1,600,000 per state. The Legal Services Program under OEO a few years ago reported that it was handling over 1,200,000 clients per year and could do more with an increased budget.

CHAPTER IV

A report entitled The Legal Services Program: Resource Distribution and the Low Income Population completed by Leonard H. Goodman and Margaret H. Walker for the Bureau of Social Science Research, Inc. in July 1975 affords a little insight into the effectiveness of the Legal Services programs funded primarily from federal sources. A few excerpts from this report are quoted below. It should be noted that this report is based largely on 1970 census data.

Maryland Profile of Legal Services

"A. Population

1. Maryland Population	3,922,399
2. Number of Poor Persons	386,829
3. Percentage Poor	10.1%
4. Number of Poor Covered	163,700
5. Percentage of Poor Covered	42.3%

B. Funding

1. Office of Legal Services Funding	\$504,000
2. OLS Dollars per Poor Person	\$ 1.30
3. OLS Dollars per Poor Person Covered	\$ 3.08

C. Attorneys

1. Number OLS Attorney Positions	19.5
2. Number of R. H. Smith Fellows	4
3. Number of VISTA Attorneys	4
4. Other Funded Attorneys	37
5. Total Salaried Attorneys	64.5
6. Number OLS Attorneys per 10,000 Poor Persons	.5
7. Number OLS Attorneys per 10,000 per Poor Person Covered	1.19
8. Number OLS & RHS Attorneys per 10,000 Poor Persons Covered	1.44 "

"To begin with, there is but three-fourths(0.76) of a Legal Services staff lawyer position for every 10,000 poor persons in the United States--or, to put it differently, one such lawyer for every 13,239 poor persons. Similarly, there are only one and one-quarter (1.27) LSP attorney positions for every 10,000 low income persons in the theoretically covered areas of the country, which is equivalent to one attorney for every 7,881 such persons. These ratios may be compared to the one for the general population: one practicing lawyer for every 893 persons. Therefore, there are, relatively speaking nearly 15 times as many poor persons per LSP attorney as there are persons in the entire population per practicing lawyer, and almost nine times as many ostensibly "covered" poor persons per LSP lawyer as there are persons per lawyer in the general population."

APPENDIX TABLE C-4

REGIONAL LEGAL SERVICES PROGRAM CHARACTERISTICS, BY STATE

Region III

STATE	(1) Total Number of Persons	(2) Total Number of Poor Persons	(3) Number of Poor Persons Covered by OLS Programs Based in the State	(4) Percentage of State's Poor Covered by State-Based Programs	(5) OLS Annualized FY 1974 Funding	(6) OLS Dollars Per Poor Person	(7) OLS Dollars Per Poor Person Covered	(8) Number of OLS Attorney Positions	(9) Number of OLS Attorneys Per 10,000 Poor Persons	(10) Number of OLS Attorneys Per 10,000 Poor Persons Covered
Delaware	548,101	58,261	58,261	100.0%	\$ 96,000	\$1.65	\$1.65	4	0.69	0.69
District of Columbia	756,510	122,425	122,425	100.0	1,077,000	8.80	8.80	32	2.61	2.61
Maryland	3,922,399	386,829	163,700	42.3	504,000	1.30	3.08	19.50	0.50	1.19
Pennsylvania	11,793,907	1,227,951	752,631	61.3	1,977,000	1.61	2.63	76	0.62	1.01
Virginia	4,648,494	689,249	128,995	18.7	387,000	0.56	3.00	18	0.26	1.40
West Virginia	1,744,237	378,693	378,693	100.0	1,265,000	3.34	3.34	49	1.29	1.29
Region	23,413,648	2,863,408	1,604,705	56.0%	\$5,306,000	\$1.85	\$3.31	198.50	0.69	1.24

SOURCE: Leonard H. Goodman and Margaret H. Walker - Legal Services Program; Resource Distribution and the Low Income Population - 1975

CHAPTER IV

From the foregoing information it should be fairly obvious that the legal services for the indigent are not being adequately served, and there are indications that reductions in federal support may further erode what little support is now available to the poor.

Members of the Ad Hoc Committee noted that some of the larger Maryland law firms had established part time programs to provide free or low cost legal services to the indigent but these programs had in some cases been discontinued. This is, however, a potential source of improved legal services to the poor in the future.

The Ad Hoc Committee recognizes that the provision of legal services to the indigent and others who cannot afford them is a broad social problem beyond the charge to the Committee in the Governor's letter which relates primarily to legal education, facilities and enrollment. Notwithstanding this observation, the Committee strongly urges that further study of this problem be undertaken by an appropriate State agency. This is discussed further in Chapter V.

CHAPTER V

RECOMMENDATIONS FOR FUTURE STUDIES

The Ad Hoc Committee in the course of its meetings uncovered several matters related to legal education and legal services which it recommends be pursued as separate studies by appropriate agencies in the future. It was the consensus of the Committee that these matters did not fall within the purview of the Governor's letter which relates primarily to the requirements for legal education in Maryland to include the private sector and enrollment projections for the State law schools.

Unmet Needs For Legal Services

In Chapter IV, the problem and some suggested ways in which to provide legal services to the poor and middle classes in civil fields, and better legal services to those who fall between the indigent and the wealthy in criminal fields have been briefly discussed. An adequate study of this problem should involve those state agencies concerned with social problems and would probably require considerable effort in the form of staff and special funding for surveys, travel, consultants and other services. The Ad Hoc Committee therefore recommends that the Governor appoint a committee with representatives of the Maryland Bar Association and State Agencies concerned with social and legal services and justice to consider this problem.

Legal Scholarships

There are persons in the more remote areas of the State such as Western Maryland, Eastern Shore and Southern Maryland who desire to attend law school at night since they must continue their employment to sustain themselves and/or their families. Their location precludes their commuting to law schools in Baltimore. A member of the Legislature, Delegate Pesci, suggested at a meeting of the Committee that consideration be given to a scholarship program for persons who cannot gain admittance to Maryland law schools in Baltimore so that they can attend law schools in the District of Columbia or other contiguous states. He introduced a Bill in the 1976 Legislature.

The Ad Hoc Committee recommends that this matter of legal scholarships be given further detailed study under the supervision of the State Scholarship Board.

Private Legal Education

The Ad Hoc Committee recommends that neither a public or private third law school be built at this time with State support, especially in view of the current oversupply of lawyers. There is the possibility in the long range future that the construction of a private law school in Maryland may be brought up. The Ad Hoc Committee therefore recommends that the Maryland Council for Higher Education consider and provide for such an eventuality in its master planning.

CHAPTER V

Para Legal Education

The Committee reviewed the status of para legal education in Maryland, particularly two year programs. These discussions revealed that at present, the production of para legal personnel is far outstripping the number of available jobs. The Committee did, however, observe that lawyers are now performing many tasks which could be handled by para legal personnel. The Maryland Bar Association has been studying this matter and its representative reported that the primary problem it is having is the resolution of which tasks are to be performed by a lawyer and which can be performed by para legal personnel. The future welfare of many lawyers may be dependent upon the solution of this problem and certainly it could be of aid in reducing the cost of legal services and thus making them more available to the indigent and others who cannot now afford them.

The Ad Hoc Committee therefore recommends that the Maryland Council in its Statewide master planning study the needs and make provision for effective and well distributed para legal programs.



MARVIN MANDEL
GOVERNOR

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS, MARYLAND 21404

May 5, 1975

Mr. William P. Chaffinch
Chairman
Maryland Council for Higher
Education
93 Main Street
Annapolis, Maryland 21401

Dear Mr. Chaffinch:

You will no doubt recall my letter of July 31, 1973, to Mr. H. Mebane Turner, President of the University of Baltimore, and my letter of October 15, 1973, to Mr. J. Carson Dowell, Chairman of the Board of Trustees of the State Colleges.

In both of these letters, I expressed my concern in regard to the future growth of legal education in the public higher education systems throughout the State. I indicated that the total requirement for legal education, both in the public and private sector, should be thoroughly developed, and further suggested that it would be most advisable to consult with the Maryland Bar Association in this regard.

I am aware of the study, Legal Education in Maryland, prepared by MCHE for the House Committee on Appropriations, dated September 1974. However, we note that this report was not accepted by the Council.

The State is faced with increasingly heavy demands for capital outlays with concomitant impacts on the operating budget at our State institutions. Therefore, proposed construction of the new law facilities for the University of Maryland are problems which must be faced. These problems are magnified by discussions concerning the possible establishment of new law schools in Maryland within the private sector.

As indicated, the total requirement for legal education in this State still weighs heavily in the consideration of further expansion, or even replacement, of existing facilities. Establishment of the requirement for legal education will affect the projected enrollments of the institutions which in turn impacts the building programs.

Therefore, to this end, I would ask the Maryland Council to establish and coordinate an ad hoc study group to:

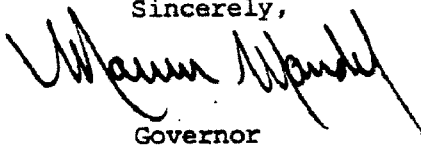
- 1) establish the total requirement for legal education in Maryland, to include the private sector, and
- 2) based upon the above, develop realistic enrollment projections for the State institutions which are to provide law schools.

Mr. William P. Chaffinch
May 5, 1975
Page two

The study group should also include representatives from the Department of State Planning, Department of Budget and Fiscal Planning, Board of Trustees of the State Colleges and the University of Maryland.

Hopefully, with results from the work of the study group, we will be able to proceed in a fiscally responsible manner in providing the best possible legal educational program and facilities, in the appropriate location, for the citizens of Maryland.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marvin Mandel", written in a cursive style.

Governor

STATEMENT OF DEAN MICHAEL J. KELLY
OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW

I do not lightly take issue with a Report containing recommendations that the University of Maryland School of Law remain in its present location, maintain its enrollment, be provided the new facilities it desperately needs, and be provided vastly increased operating funds. I have also placed myself in the uncomfortable posture of being forced to comment, as a representative of one law school, on the position of another -- something I would ordinarily avoid if I were more satisfied with the Report's analysis of the problems facing legal education in Maryland. Let me add that K. G. Robinson (a member of the Ad Hoc Committee and the Senior Staff Specialist assigned to the Committee from the Maryland Council for Higher Education) has done an admirable job of compiling a variety of statistical information in Chapters 2, 3 and 4. This valuable material contrasts, in important respects, with some of the recommendations contained in Chapter 1 of the Report.

My views consist, if I may borrow from the language often used by judges, of a concurrence in part, and a dissent, in part. I agree with recommendations I, II, IV, V, and VI of the Report. As to recommendations V and I, I would like to concur, but add some comments and concerns that are not contained in the Report, as follows:

A. The Public Has An Important Interest in Better Trained Lawyers

The aftermath of Watergate and the creation in this State of a new state-wide Attorney Grievance Commission suggest that the quality of the lawyers produced by our state law schools ought to be a matter of some concern to the public. Currently new attorneys are licensed solely on the basis of an academic knowledge of the law, not on evidence of their ability to counsel clients, negotiate on their behalf, represent them adequately in court, or resolve difficult problems of ethics in the actual practice of law. The State should encourage and fund law school programs which would train students to be able to perform these duties upon their entry into practice.

B. Legal Education Must Upgrade The Quality and Revise the Nature of The Professional Training It Provides

Legal educators around the country have begun to criticize the limitations inherent in the traditional view of the mission of legal education. As James Rahl, the Dean of Northwestern University School of Law, has said (in the Bar Leader, January, 1976, at page 3);

"The faculties of the law schools are disgracefully small in comparison with those of other professional fields -- so small that it is unrealistic to think of their handling the major projects required for the endless problems of professional performance that need solving or of their training all of their students individually and clinically to do a better job."

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We must, of course, continue to fill our traditional function in teaching substantive law, analytical reasoning and legal argument. But there are three additional areas of training which we should be ambitious to provide. First, we must produce lawyers who can write more clearly and cogently in the law. Second, we must begin to introduce students to the critical practice skills of litigation, counseling, negotiation, planning, fact-finding, etc. through simulated exercises and practice clinics. Third, we must provide interested students with opportunities for interdisciplinary research and writing through joint courses and joint degrees with other schools, disciplines and institutions. These ambitions for producing a more capable and finished professional student for the practice of law have important cost implications that are not sufficiently explored in the Report. It is essential to recognize that these new developments in legal education if Maryland is not to be left behind the growth of legal education elsewhere in the country.

C. There is An Important Relationship Between High Quality Legal Education and Employability

Since each year Maryland admits to practice about twice the number of lawyers the State needs (see II-6-9 calculating need in a variety of ways), the job prospects facing graduates this year are poor; but the prospects for law graduates in two or three more years of this annual overproduction will be catastrophic. The critical point made in Professor Hal Smith's paper cited on page II-7 is that perceived school quality is the primary determinant of the ability of a law graduate to obtain a job. If the State does not upgrade the quality of its law schools, it will be providing a larger and larger share of the unemployed lawyers in the State. For any school, like ours, which views as its primary mission the training of individuals for law practice, this is a dangerous trend.

D. The Issue of Location

The Committee spent a considerable amount of time discussing and analyzing the advantages and disadvantages of a College Park location for one of the Law Schools. The main disadvantages to relocation, in my opinion, are the capital and operating costs associated with a new installation. For the University of Maryland Law School, relocation would represent a serious loss in terms of our close relationship with the Baltimore community which is an important resource to the school as well as, we trust, an asset to the Baltimore area.

On the other hand, if the discussion of the College Park location in the Committee's Report is meant to suggest College Park would not be a good location for a Law School, I disagree. The disadvantages cited in Recommendation I to a College Park location of the absence of agency resources and adjunct faculty are simply not persuasive in light of the size, range and high quality of the legal community and legal resources in the D. C. area. There is no question in my mind that many qualified students from Maryland in the D.C. metropolitan area who do not attend Baltimore or Maryland Law Schools would choose to attend a State Law School if there were one located outside of Baltimore and in their area. The present location of the two State Law Schools in downtown Baltimore is an historical accident, as a result of the decision in 1974 to bring a private law school, Baltimore, into the State system. If we were starting to build a legal education system anew in 1976 (which we are not) we could hardly ignore the possibilities of a College Park location.

I dissent as to Recommendation II, for the following reasons:

I. The Report Contains an Inadequate Analysis of The Proper Law School Enrollment in the State

Maryland now admits to the practice of law twice the number of lawyers for whom we have jobs (See II-6 to II-9 for these calculations). The Committee rather quickly reached the conclusion (which I share) from this evidence that there should be no increase in law school enrollment at present. The Committee did not choose to consider decreased enrollments, despite the repeated protestations of Dean Curtis and President Turner (who attended most of the Committee's meetings) that Baltimore, which would stand most to gain from such a decrease, was willing and able to decrease its enrollment if the Committee would simply establish a figure. An enrollment decrease would have positive effects on the unreasonably high faculty/student ratios at the University of Baltimore (see Attachment A to Chapter II) and probably improve Baltimore's bar passage rates (see pages II-27 and 28). The University of Baltimore would unquestionably be in a far better position to deal with the near-universally predicted decrease in the interest and the overall quality of applicants to law schools over the next few years.

The chief reason cited for reaching the decision that current enrollments are optimal is that an enrollment decrease would also mean a decrease in State support. But simply because it is appropriate for budget analysis in State government to consider decreased financial support when there is a drop in enrollment is no reason for the Committee to assume such a decrease. Surely if a decrease is desirable on policy grounds, the Ad Hoc Committee should have supported a decrease in enrollment -- on the condition, of course, that State financial support be maintained at least at current levels. To do otherwise would be an unconscionable financial disaster which would achieve the effect of downgrading, not upgrading the school. It is a mystery to me that no one on the Committee could credit the State with enough imagination to realize that an enrollment decrease, coupled with a quality increase through maintenance of support, might be ultimately less expensive than maintaining the status quo.

II. The Committee's Analysis of the Cost Implications of Achieving High Quality Legal Education is Unrealistic

The thrust of recommendation V is that the level of support for Maryland law schools should be increased to improve the quality of legal education. I am, of course, in favor of increasing the support provided Maryland law schools and improving the quality of the education we provide. If, however, we use the modest calculations on pages II-30 and 31, the State should be providing roughly \$2,300 per student in order for us even to pretend to have the capacity to approach "quality" legal education in the State. The first defect in this reasoning is that it does not reflect the high cost of the programs in writing and practice skills to which we should aspire. So this estimate is undoubtedly on the low side.

More important, however, is the fact that even excluding these critical program improvements, the increased cost of providing high quality legal education at current levels of enrollment will be enormous. According to my calculations, a \$2,300 subsidy for the 1000 (864 full-time equivalent) students at the University of Baltimore would require a State subsidy of just under \$2,000,000, or an

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additional \$1,169,000 per year over the present net State subsidy to the University of Baltimore Law School. The same figures for the 725 FTE University students would require an increase of \$500,000 per year over the present State support for the Law School. It is, in my opinion, preposterous to suggest that the State College Board would tolerate a 142 percent increase in the State subsidy to the University of Baltimore Law School. Although the increase for the University of Maryland would only be in the neighborhood of 42 percent, an enormous sacrifice by the University would be required to achieve it, in light of the declining State support for higher education in recent years. The outlook for the coming years, as everybody on the Ad Hoc Committee and the Maryland Council knows, is for the education Maximum Agency Request Ceiling (MARC) to contain little, if any, increase over the budget of the previous year.

The conclusions I reach seem inescapable: the State of Maryland has not funded legal education at a level which compares with state-funded legal education elsewhere in the United States. The odds against both law schools catching up at a time when the State budget for higher education is shrinking, not expanding, are very high indeed. Yet the Ad Hoc Committee states that both law schools should be supported at their present enrollment with all the resources and capital funds necessary to maintain these enrollments.

I should add that I do not believe that greater selectivity need mean the exclusion of minority groups, nor a cutback in the extension of legal services to the poor and middle class. Minority and other special admission programs can be implemented by a school that cares to do so. The Committee discussed at length the distinction between current job market or "need" for lawyers today, and the ultimate need for lawyers to serve people who are at present unrepresented. There is widespread agreement within the Committee that it is desirable to extend legal services widely; that the Committee cannot resolve the basic political and financial dilemmas that limit the scope of legal services to the poor and middle class; and, that no major "solutions" to these issues are likely at this time. Indeed, as of this writing, the Legal Aid Society of Baltimore is in a state of financial crisis as a result of the withdrawal of major state support. The prospects for dramatic expansion of legal services funding are, in my estimation, rather dim. It is surely no solution to train lawyers who cannot support themselves, in the hope that this might lead to a restructuring of legal services delivery. Such a policy is ultimately a rather cruel and cynical hoax on young people who have devoted three years of their lives to prepare themselves for a career. If incentives are ever structured to extend legal services (as some would argue, through group legal services connected with legalized advertising), it is clear that lawyers will be attracted to such practice from existing forms of practice. The Maryland public defender system is a local example of the movement of lawyers to a new form of practice that had almost no relationship to the production of recent law school graduates.

III. The Total Cost of Legal Education in the State Should Be Measured Against Projected Long-Term Demand

The Committee made no attempt to estimate the probable scale or limit of state expenditures for legal education over the long term. Such a determination would lead to a better sense of the quality in legal education which the state can afford, and a more realistic understanding of the relationship between enrollment and quality.

The Committee should also have explored in more detail the extent and permanence of the demand for legal education in the state. Since the University of

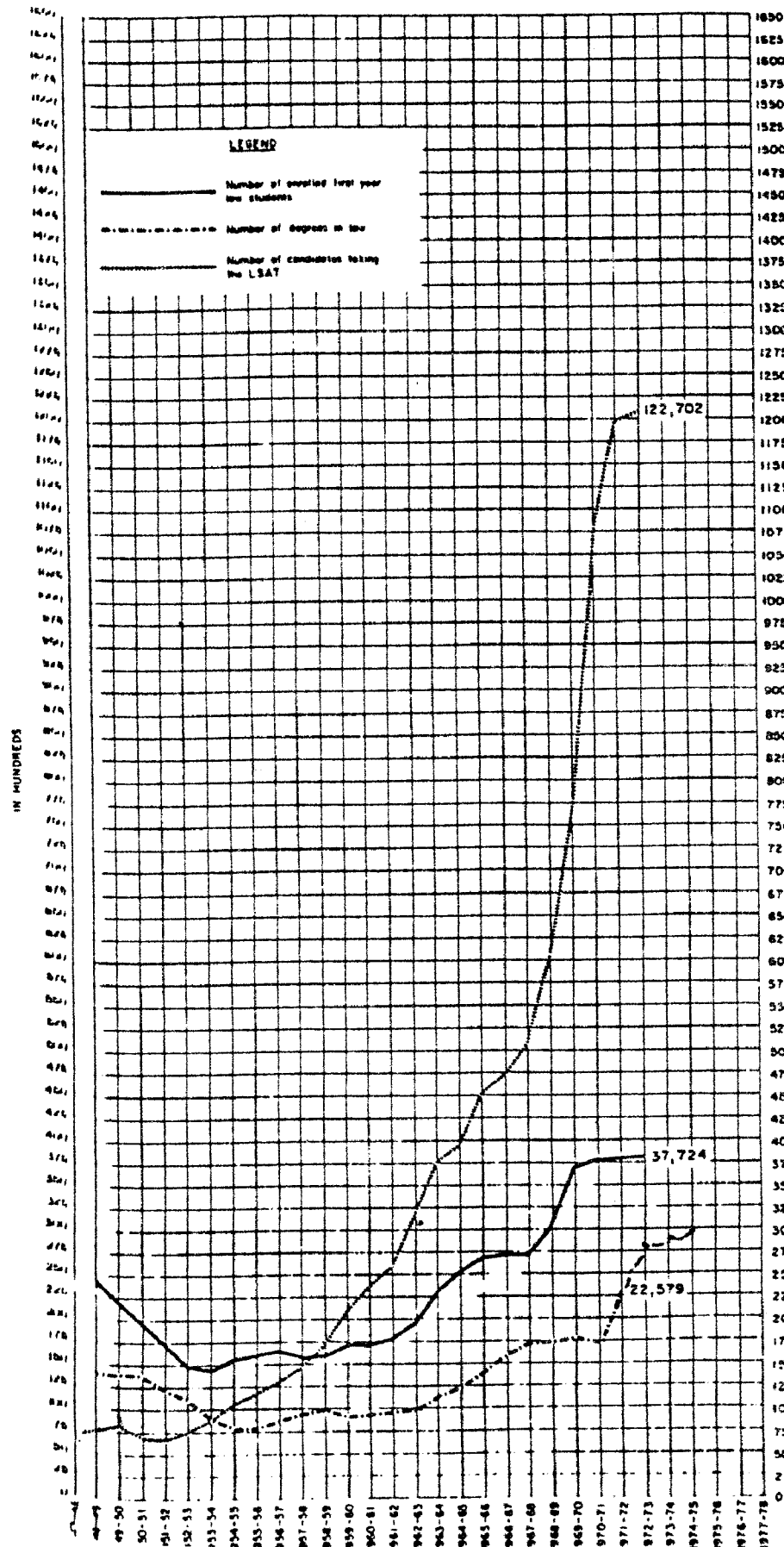
Baltimore Law School does not publish figures on the quality and characteristics of its applicants (see II-11), it is difficult to make a state-wide estimate of demand of in-state students. Nevertheless, I think it is undoubtedly fair to say that interest in law school among qualified college graduates is still high, although it is now leveling off to some degree. The University of Maryland will have approximately 1,600 to 1,700 applicants for the 250 places in its entering Day and Evening class next year. The decisions required to choose any class are extraordinarily difficult. No doubt they offend many Maryland taxpayers who believe that if their children have done well in undergraduate school they have a right to a place in a state-run law school. But we should remember that the high demand for legal education is a relatively recent phenomenon and that in another five to ten years demand for the law will subside significantly, particularly as projected enrollments in undergraduate schools decline and news about the job market in law becomes widespread. I attach a chart prepared by the Law School Admissions Council which graphically portrays the decline of interest in law after the 1940's and the extraordinary increase in the late 1960's.

The Ad Hoc Committee is making its recommendations with law enrollment in Maryland and in the nation at the highest level in history. The 1,817 state-supported law students in Maryland today have increased 340 percent since 1969, when Maryland had 533 students and the University of Baltimore had 46 full-time (and 562 part-time) students (see II-19). The overall student population in both schools has increased about 75 percent since 1963.

The decision to fund this historically high level of enrollment, given a limit on the State's expenditures in this area, is, I fear, a decision to assure low quality legal education in Maryland.

LAW SCHOOL ADMISSION TEST PROGRAM

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STATEMENT OF JUDGE FRANK A. KAUFMAN

If time permitted, I would almost certainly desire to prepare a more lengthy concurrence and to circulate it among members of the Ad Hoc Committee in order to obtain their views before submitting the same. However, I have been informed by Mr. Robinson and Dean Kelly that there are important reasons why, to the fullest extent possible, the comments of all members of the Committee should be available to the MCHE today or tomorrow. Accordingly, the only thing I can do under the circumstances is to set forth briefly a summary of the views which I hold.

I concur with the recommendations set forth in the report. I also am largely in agreement with Dean Kelly's views but differ with him strongly in one important particular. I do not believe that we should plan with the idea that less lawyers rather than more lawyers are currently needed, and will be needed in the future, in and by our society. Rather, I believe that legal services must and will be provided on a far broader scale than they are currently provided to many who are unable to afford them. That is true, to a large degree, as to the needs of indigents, and many above the level of indigency, with regard to civil matters. It is also true in the context of the criminal law, at least in some measure, with respect to those who fall between the status of wealth and indigency. Dean Kelly fears that the

students who enter law schools may be misled because they may have difficulty in obtaining legal employment upon graduation from law school and passage of a bar entrance examination. It would seem to me that that could rather easily be handled by making sure that the law schools adequately inform and warn incoming students with regard to the job market.

The name of the game in legal education is, I believe we all agree, quality. Maryland's two law schools do not today provide quality to the extent that they should. Both schools badly need much more funding than has been made available to them so far. Without such funding they will not be able to attract and hold faculty of the quality which is required in order to build and have a top quality law school.

As far as size of law schools is concerned, the current size of the University of Maryland Law School would seem to be fairly close to a minimum. The size of the University of Baltimore Law School could, however, be reduced, particularly on a short-term basis, and perhaps should be so reduced. It would only, however, seem sensible for the University of Baltimore Law School to reduce its current size if it could by so doing increase its per capita student funding. In that way, it could be given help, at least in the short-term future, with regard to improvement of quality of education.

But on a long-range basis, all of the statistics which have been made available to the Ad Hoc Committee would appear to indicate that Maryland is not educating law students in a number disproportionate to the numbers being educated by other states, taking into account the population and needs of Maryland as compared with the population and needs of its sister states. I do not think we should settle in Maryland for educating less lawyers than we need or educating lawyers on anything less but a quality level equal to that of the best of our sister states.

I do not join Dean Kelly in dissenting from any failure of the Ad Hoc Committee to recommend reduction in the size of the University of Baltimore Law School. Rather, I think that is a matter which the University of Baltimore should take up directly with the appropriate state executive and legislative leaders. Again, to repeat, it would be wrong, in my judgment, for the current size of the University of Baltimore Law School to be reduced other than on a short-term basis and then only if it would lead to a considerable increase in per capita student funding and hopefully, therefore, provide a quick shot in the arm insofar as increased quality of education is concerned.

I want to add a word about the provision of one or more new law schools at Hopkins, Loyola or elsewhere. If a top,

national university could establish a law school in Maryland, it would provide a tremendous boost to the quality of education and the quality of law practice in this State. However, until sufficient state funds are provided to our two existing law schools to enable them to increase greatly and as swiftly as possible the quality of education, it would not seem feasible to utilize and divert funds toward the establishment of any new law school.


Frank A. Kaufman

June 3, 1976

